March 1977 $1.50

California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

A RABBIT PUNCH YOU SAY?!
NURDLEY ENDORSED BY THE HAIRDRESSER OF... REAGAN
NOW I SUPPOSE YOU'LL TRY CLAIMING A LOW BLOW!
MY RESPECTED ADVERSARY GAVE HELEN KELLER A WAFFLE IRON TO READ!
MY HONORED OPPONENT HAS HAD SEX WITH AN INANIMATE OBJECT ON TWO OCCASIONS!
IT'S NOT STUFFED, IT'S WELL FED!
KLUNK
BALLOTS
YOU GIVE TOWELS WITH YOUR PITCHES?
The CRABS
10

Orange County – the dirty tricks capital of California

Integration and the L.A. mayor's race

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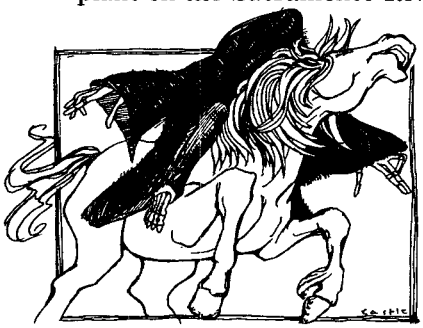
A PERSONAL PERSPECTIVE . . .

By Ed Salzman

Two-horse parlay

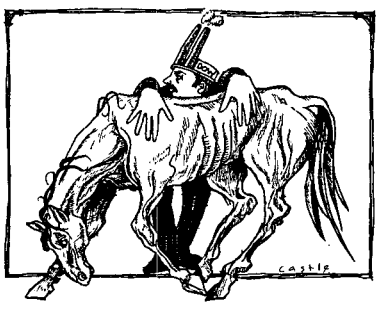
Republicans think they have discovered the two-horse parlay that will defeat Jerry Brown next year — the death penalty and the business climate. The Governor, GOP optimists feel, made a serious political blunder by announcing in his state-of-the-state message that he would veto a capital punishment bill. And Brown is feeling the heat because Dow Chemical withdrew its proposal to build a $500 million petrochemical plant on the Sacramento River.



Why did Brown make his death-penalty announcement so precipitously? He knew what a commotion it would cause because a majority of Californians supposedly favor capital punishment. There should never have been any doubt about where Brown stood on the issue. If he had wavered, he would have caused even greater political problems for himself because he would have infuriated liberal Democrats, the cadre he needs for the 1978 campaign. The only question for Brown was when he would take the heat, and he minimized the adverse effects by putting about 22 months between his pronouncement and the next general election.

The Republicans will try to keep the issue alive, but capital punishment is one of those recurring controversies that have less partisan impact than is generally assumed. Such issues as abortion, the natural-death act and the death penalty apparently are viewed primarily as matters of deep personal conviction, not as political footballs like economic issues.

That brings us to the second horse in the parlay, the state's business climate. Brown is being charged with leading an administration that is insensitive to the expansion needs of business and labor. The Dow plant is exhibit number one.



This issue will hurt Brown — but probably far less than Republicans think. That's because the death of the Dow plant is being viewed as a godsend by California environmentalists, who were lukewarm toward Brown during the presidential campaign against Jimmy Carter. Blame for the loss of the Dow investment will be hard to stick on Brown, who actually took steps to accelerate consideration of the firm's applications. There are those who want Brown to streamline the permit process in favor of one-stop shopping. This is an oversimplification of a complex problem and fails to point up the state's real need.

California needs an affirmative program — and one has been proposed by the administration's Bill Press — telling corporations they are welcome in California and spelling out just where they can build each type of plant. Brown has already started such a program in the Bay Area. This, combined with reports that the economy is improving rapidly, could take the pizzazz out of the business-climate issue for the Republicans.

The GOP will need more than these two horses to outrun Jerry Brown.

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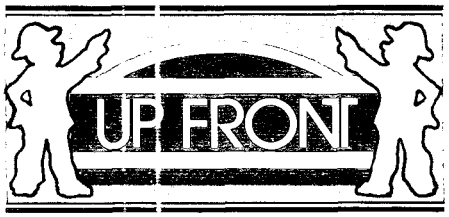

The American Association of University Women had a problem: Should the individuals who preside over the organization's meetings be designated as chairperson, chairwoman or just plain chair? A poll was taken of almost 2,000 members offering a list of alternate choices. Would you believe that the overwhelming winner was "chairman?"

Smog is no longer the biggest issue in the Riverside-San Bernardino area. The new villain is the DOCI — the Dreaded Orange County Influx. The Riverside-San Bernardino folks don't want any of those migrants who found living in Orange too expensive.

A record for carpetbaggery will probably be set in the special election to replace Assemblyman Charles Warren of Los Angeles. Almost all of the prominent would-be candidates live outside the district, some as far away as Sacramento.

Jerry Gillam of the *Los Angeles Times* is now the senior member of the Capitol press corps, but he would just as soon not be honored with the title of "dean" or "squire."

The Waxman-Berman political fraternity proved at the recent Democratic state convention that it is the single most potent organizational force within the party today. It handled intra-party elections that are relatively meaningless as though the governorship were at stake.

Senator Nicholas Petris of Oakland asked the state Housing Finance Agency why a housing-rehabilitation proposal in the city of Alameda had been denied. Among other things, replied agency chairman Mike Elliott, the project was "on the wrong side of the tracks."

From the newsletter of the Yerba Buena Democratic Club in San Francisco comes this time-consuming suggestion for millionaire Dick O'Neill, defeated for reelection as southern chairman of the party: Create Ken Cory dolls. "You wind them up and they scare the hell out of an oil company doll."

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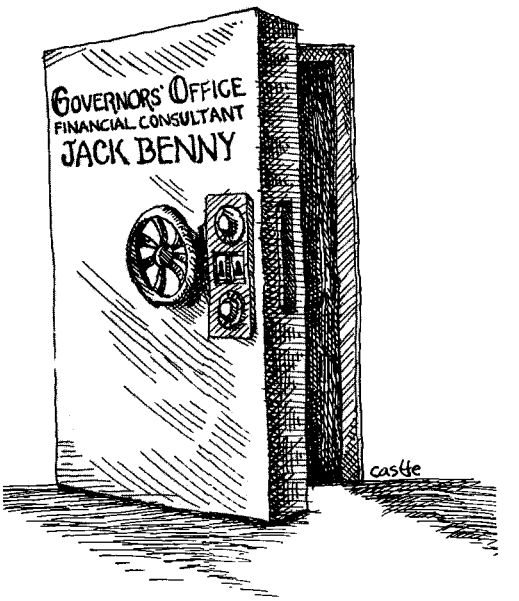
ROSTRUM

The **Journal** *encourages readers to submit brief letters on subjects dealing with California politics and government.*



Infringe and violate

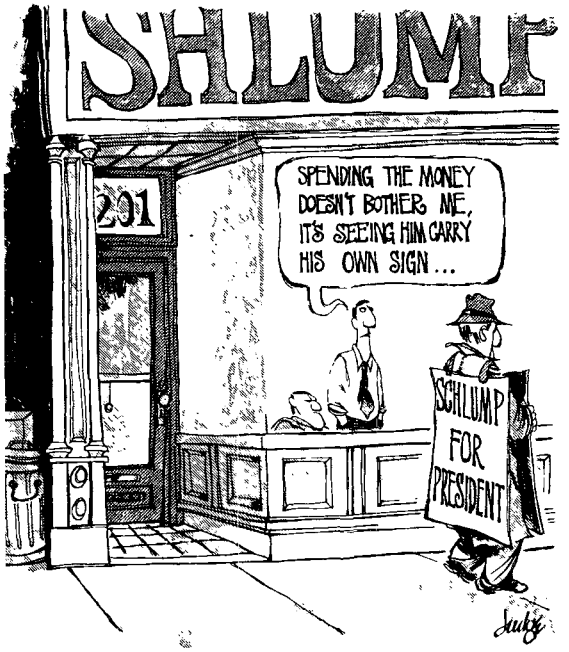
The January issue of the *California Journal* contained an error when it stated that the Fair Political Practices Commission had argued before the state Supreme Court that the limitations on spending in connection with the circulation of ballot initiatives should be upheld because "even if it violated the First Amendment, there was a compelling public interst in favor of the limitations."

Please be assured that neither the Commission nor its legal staff would ever defend a law which "violated" the First Amendment. The word "violated" does not appear in the Supreme Court decision and it does not appear in any Commission brief. However, it did appear in an Associated Press news account which misinterpreted a portion of the language of the Court's rulings.

The Court, in its opinion, expressed concern that the limitation had the "potential" to infringe on "the right to political communication guaranteed by the First Amendment," a potential which the Court believed outweighed such compelling interests as the prevention of fraud and corruption and assurances that the ballot cannot be bought. It was those "compelling public interests" that concerned the Commission and the voters when they overwhelmingly approved the Political Reform Act of 1974.

There is quite a difference between "infringing" on the First Amendment and "violating" it. The libel laws are an "infringement" on freedom of speech, but certainly they do not "violate" the right of free speech. Laws preventing someone from shouting "fire" in a crowded theater also are an infringement on freedom of speech but not a violation.

JOHN KEPLINGER
Chief, Technical Assistance
and Analysis Division
Fair Political Practices
Commission



A magic name

I was quite amused with the cartoon on page 59 in the February edition of the *Journal* because of the obvious name identification on the sandwich sign. Also it is a very uncommon name (the only one in Sacramento is an uncle).

No Schlumpf has yet run for president, but as a McGovern elector, a Carter presidential delegate and co-chairman of the Democratic effort locally in both 1972 and 1976, I would like to note our efforts.

DENNIS L. SCHLUMPF
Tahoe City

Budget conflict

The February issue of the *Journal* contained two seemingly contradictory statements regarding Governor Brown's fiscal policies. In Up Front, it was pointed out that the state budget has increased about 50 percent since Brown replaced Ronald Reagan. And the article analyzing Brown's budget for the current year emphasized that the state has built up huge surpluses partly because of the Governor's frugality.

Is Governor Brown a spendthrift or a miser? He can't very well be both. Actually, what these figures indicate, if anything, is that budget totals are relatively meaningless in assessing the overall fiscal policies of an Administration.

During last year's presidential campaign, supporters of Gerald Ford tried to portray Reagan as a fraud because total state spending rose considerably during the eight years he was in office. But each year's state budget contains allocations for such things as local property tax relief and aid to local schools — items that really should not be charged to a Governor because the state acts solely as a tax collection agency providing funds to relieve the local property taxpayer. It is precisely items of this sort that have inflated the Brown budget this year.

I suggest that, hereafter, anyone trying to compare budgets from year to year break out those items of true state expenditure and assess a Governor's fiscal conservatism or liberalism on that basis. I suspect we will find that both Brown and Reagan have been relatively tight-fisted despite budget totals that would indicate to the contrary.

VICTOR NEVIN
San Francisco

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MUDPIES AT 40 PRECINCTS

Orange County, California's dirty-tricks fantasyland

By Bud Lemeke

Making a big splash isn't as important as making a big, muddy splatter for an increasing number of politicians in Orange County.

The mud-slinging has gotten so bad that even some of its successful practitioners think something ought to be done about the deception, dirty tricks and last-minute sneak attacks. Since the U.S. Constitution guarantees free speech for bad guys as well as good, devising a remedy to eliminate the mud baths is a problem. Any attempt to impose controls comes close to being censorship. Yet the California Legislature is taking a stab at it, since Orange County has no monopoly on the hallowed practice of landing low blows.

There are some students of politics who maintain that campaign villainy thrives in any large suburban area where fragmentation of the news media makes it difficult for the victim of unfair tactics to respond swiftly and effectively. "It's no worse in Orange County," insisted Arnold Forde, of the highly-successful Orange County political promotion firm of Butcher and Forde. "We've worked campaigns all over. Let's face it. Campaigns are competitive and candidates for office are generally ego-centered. The average candidate will do anything to win an election."

Forde and his partner, William Butcher, have the reputation for obliging a client even if the low road beckons as the only route to get him elected. Butcher-Forde may be considered an Orange County trademark for tricks of the trade, such as cleverly worded, computerized letters or brochures which make the best of a candidate's assets and belittle the opponent. Angry contenders for office will mutter, "that's a Butcher-Forde trick," even when the tactic may have been perpetrated by crude imitators.

In last year's primary, Butcher and Forde attracted so much unfavorable attention that they became an issue in some of the campaigns they handled. To avoid this in the fall campaigns, they tried to hide their light under a bushel. Though they refused to say which campaigns they were managing, it was easy to find out from the politicians. And since it involves making many contacts for fundraising, printing and schedule-making, their profession does not exactly lend itself to anonymity.

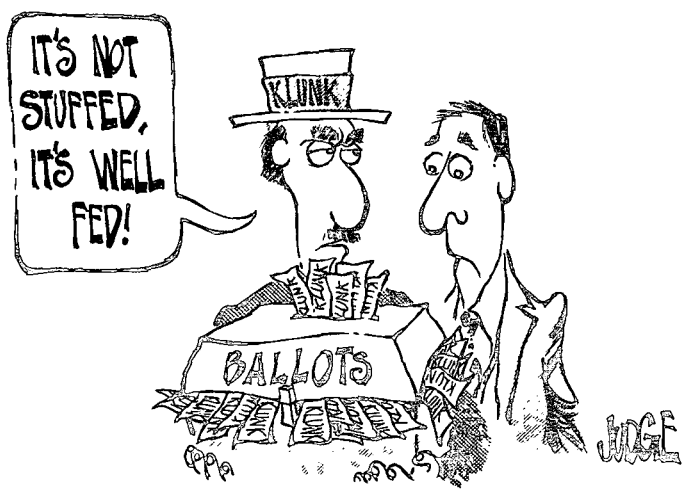
Anthony v. Yamamoto

In handling Westminster Mayor Phil Anthony's campaign for county supervisor last spring, Butcher and Forde drew criticism for a computerized, personally addressed letter which gave the impression that Anthony was a man for all cities. The letterhead and body of the letter emphasized that he was mayor and councilman, but no attempt was made to enlighten casually political residents of cities other than Westminster that he was not their very own public servant.

Though Anthony formally parted company with Butcher and Forde after the primary, the quality of his campaign material did not noticeably improve as he went on to defeat Santa Ana Councilman Harry Yamamoto November 2nd. Anthony and Yamamoto engaged in a low-road battle over who was linked closest to Doctor Louis Cella, the generous campaign contributor of two years ago who has since been convicted of conspiracy to misappropriate hospital funds and income-tax evasion.

"In a letter sent September 29th to potential contributors, he (Yamamoto) made the bald-faced claim that I had a well-known, longtime Cella association," said Anthony. "I didn't use anything like that until he did. But you have to fight fire with fire." Anthony's backfire was more like a conflagration. He mailed out a last-minute broadside which bracketed Yamamoto's picture with those of Cella and former supervisor Robert Battin, who was convicted and removed from office for using his staff and county resources in a campaign. The leaflet falsely implied that Yamamoto was "under investigation" for taking contributions from Cella in 1974 and for receiving a $38,000 loan this year from "another doctor." The report on the loan was half right. Yamamoto got a loan from a doctor, but one who had nothing to do with Cella.

Yamamoto tried to block Anthony's volatile mailing, but Superior Court Judge Walter Smith held that issuance of an injunction would constitute prior restraint, a violation of the U.S. Constitution's First Amendment. Anthony then sent the broadside out with a cover proclaiming in boxcar type: "Superior Court judge rules: You should have this information before voting. Candidate Yamamoto went to court to



Bud Lembke is an Orange County political writer for the Los Angeles Times.

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keep this information from you."

About the same time, Yamamoto sent out his own poison-pen mailer, denying any connection with Cella and claiming that Anthony "has ties dating back to 1966 with Doctor Cella and associates." Anthony won the election easily, probably because he had more financing, is more articulate than Yamamoto and looks a little like a Robert Redford who settled down to something more serious than movies.

Questionable tactics

In other races, questionable tactics achieved mixed results. In one contest, they backfired. Newport Beach car dealer Jim Slemons, a Republican, put out a mailer which headlined that his opponent for the 74th district assembly seat, deputy district attorney Ron Cordova, was "charged in $10 million massage parlor case." Though this gave the impression that Cordova went to massage parlors for something besides rheumatism, the facts were that he had unsuccessfully prosecuted a woman for prostitution. After she was exonerated, she sued Cordova and Santa Ana police officers for false arrest.

Butcher and Forde were managing Slemons at the time. Aided by the write-in campaign of Republican Marian Bergeson, Cordova upset Slemons in the most Republican district in the state. Cordova feels that publicity about the massage parlor mailing and the resultant public indignation over the unfairness of the attack was a big factor in his win.

Butcher was asked if he didn't feel the mailer was a dirty trick. "Whenever you do anything in a campaign, you take a chance that it won't work," said Butcher, who is 35 and has been working on campaigns since he was in his teens. "If you're running a campaign where you're well ahead, you don't do things which have a greater chance of backfiring. Where there's a situation with almost no chance to win, you do things as a campaign tactic which are more likely to kick back because what have you got to lose." Does he operate, then, on the basis of "let the voter beware?" Replied Butcher: "I have a great deal of confidence in the voter. One of the best controls on misleading, deceitful, bad material, better than any commission, is the wisdom of the voter. I have seen all kinds of things done in political campaigns, such as last-minute attacks, but in an incredible percentage of the time, the people end up doing the right thing. I don't know how they do it."

Look at least twice

Sometimes, they certainly must have to look twice, and then get out their fine tooth comb to rake carefully through the muck. Take the level of the Slemons' campaign in the primary, for example. Butcher and Forde put out a mailer for him which at first glance looked like Ronald Reagan, Gerald Ford and several prominent Orange County Republicans had chosen him for endorsement from a field of 12. In small print, however, it was explained that the local campaign chairman for Reagan, the wife of the campaign chairman for Ford and various other local associates of "name" politicians were doing the endorsing.

Slemons conceded in a post-election interview that the ad "looked like everybody in the world endorsed me" and that the piece was "tricky advertising." He said that while he left the details up to his managers, he didn't object to anything they did.

Even some of the supposedly "pure" candidates, like Democrat Dennis Mangers of Huntington Beach, used the old gimmick of forming a mythical organization of backers from the opposite party. Mangers upset Republican incumbent Assemblyman Robert Burke in a hard-fought but gentlemanly contest in the Huntgton Beach area. But though they patted each other on the back verbally at the

start of each of their 15 debates, Burke felt Mangers landed a couple of low blows in his mailings. One of these made much of the fact that Burke, an assemblyman for 10 years, had been residing with his family in Sacramento rather than in Orange County. The other was a letter sent by Mangers under the heading, "United Republicans." It was mailed to all Republicans in the district.

Mangers conceded that the United Republicans was a paper organization, formed by him and his campaign aides in his living room from among Republicans who had signed up for him at coffees. Three of the most prominent on the list were chosen for the letterhead listing of "executive committee," with their permission. Burke charged that it was a blatant attempt to deceive conservatives by making them think Mangers had the support of the United Republicans of California (UROC), a conservative group.

Variation on a theme

A variation of the mythical letterhead endorsement was apparently used in the 71st assembly district, where Democrat Chet Wray edged out Republican Phil Seitz by only 38 votes after a recount. Wray claimed it wouldn't have been that close if Seitz hadn't used "negative" tactics such as setting up a phone bank which hid its Republican origins. "They called every Democratic voter (in the 55.9 percent Democratic district), claimed they were calling from Democratic headquarters for the 'League of Democratic Voters' and falsely claimed my campaign manager had been in jail for bribery," said Wray.

Seitz conceded that he set up a League of Democratic Voters but denied that his phone bank took the name of Democratic headquarters in making its calls. Seitz did, however, issue a campaign piece disguised to resemble copies of two newspaper clippings. One of the "clippings" was headlined, "Wray Charged with Buying Nomination," and the other "reported" that "Scandal Envelops Chet Wray."

The state election code requires that the sponsor of such mailings be identified, but it doesn't specify how bold the type has to be. Seitz identified his "clippings" with a line at the bottom of them: "As released to Orange County Media on 10/30/76 from Anaheim, California by Friends of Phil Seitz." But the lettering was so faint that it looked, as Wray said, as though it had been printed "with invisible ink."

That ploy revived unpleasant memories for Stewart Case, now 46 and director of community services for Santa Ana College. Case believes that back in 1966, he was one of the first victims in the current era of Orange County dirty tricks. He was running as the Republican assembly candidate in 1966 against Democrat Ken Cory, now state controller. In the last weekend before the election, Cory put out a mailer which seemed to be a clipping of an article from a Santa Monica newspaper. It portrayed Case as an actual Democrat. The purported article made much of the fact that Case was registered as a lobbyist using a business address

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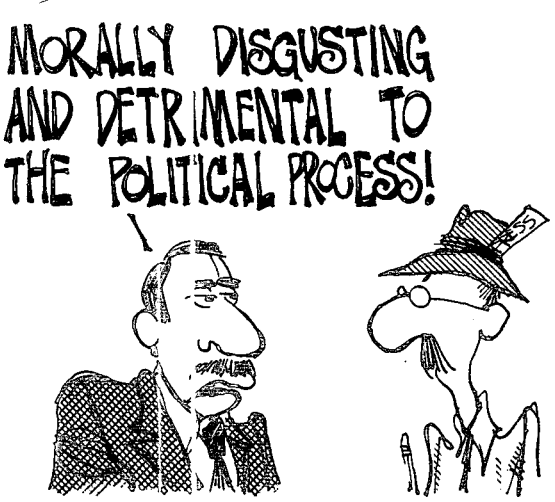

in Santa Monica, 30 miles from the Orange County line.

The clipping was a fake, but it was painstakingly counterfeited, even to reprinting phony advertisements on the back of the "newspaper." Cory's organization had it hand-delivered to each post office in the district on the weekend before the election. Each clipping was accompanied by a handwritten note from a non-existent "Jim," in which he urged: "Please read this clipping. Ronald Reagan will restore decency to state government. He deserves a better break than having to work with a man who admits to serving another master. You can help Reagan most by voting against Stewart Case."

Permanent turnoff

Case is a moderate Republican who had beaten a more pro-Reagan candidate, Bruce Nestande (now an assemblyman) in the primary. The reference to Case being a hindrance to Reagan was made the year before Reagan won the governor's office by a margin of a million votes. Cory beat Case 2,266 votes, representing two percent of the votes cast. Case said in a recent interview that a poll taken after the election showed that at least 10 percent of the Republican voters shifted from Case to Cory because of the mailing. "It was clever demogoguery and it cost me the election," said Case. "I had been active in politics since high school, but this turned me off, and I'm still inactive. It's too dirty a game."

The problem in adopting controls to apply truth-in-advertising to politics is to devise machinery which does not violate the constitution's guarantees of free speech in the First Amendment. A New York fair campaign practices code which was the toughest in the nation was invalidated by the U.S. Supreme Court in January of 1976 on constitutional grounds.

Ralph Diedrich, chairman of the Orange County Board of Supervisors, proposed in March, 1975, the formation of a county fair campaign practices commission. It got nowhere but he intends to bring it up again. Diedrich's idea is to have all written campaign material submitted to the local commission far enough in advance of the election so that opponents and the press would have access to it. The commission would have the power to comment on the material but could not prevent it from being issued. Diedrich believes the commission's lack of veto powers would keep it constitutional.

Plans for solution

Assemblyman Bruce Nestande opposes forming such a local commission, contending it would tend to eliminate "competitiveness, ingenuity and creativity in campaigns." Said Nestande: "It would be like going into battle and clearing the battle plan with the enemy. And who would serve on the commission? They would be political appointments, and they would have to favor some candidates over others." He proposed instead that a new attempt be made to get the U.S. Supreme Court to modify the *Sullivan* v. *New York Times* decision, which makes it difficult for a public figure to successfully sue for libel.

State Senator Dennis E. Carpenter is authoring legislation which attempts to prevent abuses in campaign endorsements. His proposal would require written consent for endorsements. Partisan endorsements would have to be validated by the county chairperson of the party. To avoid misleading voters about a candidate's claim of endorsement by "United Republicans," when the candidate is a Democrat, or the "League of Democratic Voters," when the candidate is a Republican, Carpenter would require listing specific information. This would include the endorsing group's officers, their addresses, the date the organization was formed and how many members it has.

Another state Senator, Omer L. Rains, is the author of a much broader bill which would establish campaign-practice boards in each state senatorial district to hear complaints and issue findings. Campaign ads and mailers would have to be submitted to the board 48 hours in advance of distribution. The board could review and comment on campaign material and tactics, but could order no suspension or modification. Rains' measure is patterned after those in effect in Hawaii and in several other states. He believes it is constitutional because of its voluntary provision. A candidate would have to submit to the machinery only if he signed a fair-campaign-practices code.

"Los Angeles County is saturated with newspaper, TV and radio coverage, but like Orange County, my district is on the fringe of that," said Rains. "It's virtually impossible to counter things that come out at the end of the campaign. The only way is with a mass mailing, and there usually isn't time for that. We have a number of communities of almost equal size. To reply to anything, you have to go to three television stations, 18 newspapers and more than 20 radio stations. They don't have the resources to send a reporter to a central news conference."

San Francisco is probably the one area of the state, however, where a candidate can get a mud pack thrown back in his face not long after he releases it. The city's compactness and media concentration allows for almost instant retaliation. This is illustrated by the experience of Republican state Senator Milton Marks, who scored a seemingly miraculous victory November 2nd to win re-election over Democratic Supervisor Robert Mendelsohn in a district which is only a little over 20 percent Republican.

Discussing his triumph with a reporter on the Senate floor when the Legislature convened, Marks related how Mendelsohn had hit him with a last-minute mailer attacking his record on a variety of issues. "I was so angry that I got up at 2 a.m., went down to the office, prepared an answer and we hand-delivered it throughout the district on the Sunday before the election," said Marks. "It cost a lot of money, but we did it."

Like so many other things making up the fabric of California living, it could happen only in San Francisco.

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How Mangers and Cordova sliced the Republican orange

By JUDY B. ROSENER

Two assembly districts in Orange County thought to be safe Republican territory turned out to be the staging ground for a test of a well organized grass-roots effort and a Republican vote split resulting in two surprise Democratic victories.

One of the victors, Dennis Mangers, 36, is "cool" — a methodical former educator who is comfortable with long range planning and quiet persuasion. The other, Ron Cordova, 30, is "hot" — a self-assured prosecuting attorney who seems to enjoy the frontal attack. The style of their campaigns was as different as the men themselves, yet both won seats long coveted by Democrats in conservative Orange County.

The election of Dennis Mangers in the 73rd district, which includes Huntington Beach, Costa Mesa, Fountain Valley and Seal Beach, was the result of a well-thought-out effort built on a 1974 attempt to unseat incumbent Republican Assemblyman Robert Burke. Burke, originally elected in 1966, is considered a decent man whose conservative philosophy caused him to vote no on most legislation. His ideology is best characterized by the plaque on his district office desk: "God helps those who help themselves. Government helps those who won't." Being a decent conservative was not enough to win for Burke this time around.

Mangers is not new to electoral politics. His first taste of statewide campaigning was in Wilson Riles' 1970 State Superintendent of Education election. On the local level, Mangers ran successfully for the Huntington Beach Board of Education in 1971. When he ran against Burke in 1974, he already had a nucleus of supporters and identification with education issues. He received no help from labor, he says, because of his pro-Proposition 20 (coastal conservation) stance. He received no help from Louis Cella or Dick O'Neill, who in 1974 were the major source of financial aid to Democrats in Orange County, because they felt his race wasn't winnable given the Republican voter registration lead. Cella and O'Neill admitted surprise when Mangers lost by only 1,620 votes. O'Neill has been quoted as saying that had he put up enough money for one district-wide mailer, Mangers would have won.

Try, try again

After his defeat, Mangers decided to try again. In June of 1975, he left his job as vice president of the American Learning Corporation to campaign full-time. Voter registration became the backbone of his campaign. He recruited high school students to "bird dog," knocking on doors seeking unregistered Democrats. Mangers and his "bird dogs" registered 8,500 new Democratic voters. By election day, there were 1,500 more registered Democrats than Republicans.

When campaign watchers in Sacramento and elsewhere began to see what was happening, interest in his race grew. Still, no money was received from outside the district, although Assembly Speaker Leo McCarthy had a poll taken in late September. The poll showed Mangers 13 points behind Burke, but with a large undecided vote of 33 percent. This spelled trouble for the incumbent. By mid-October, Mangers got outside support from Democrats. Meanwhile, Burke began to appear with Mangers at public forums, something he had not done before, and Republicans who had targeted the district as a key Republican race, began pouring money into Burke's campaign. But the money could not reverse the registration momentum which gave the Mangers

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volunteers a decided edge and eventual victory by 6,000 votes.

The fluke

The race of Ron Cordova in the neighboring 74th district, unlike the planned effort of Mangers, has been called the "fluke of the century." Cordova, in answer to a reporter's question about his being referred to as a Mexican by his opponent, informed the reporter that he was a "Sephardic Jew from Beverly Hills," one who can now claim victory in the most heavily Republican district in the state.

James B. Slemons, 43, the official GOP nominee, and Marian Bergeson, 48, a last-minute write-in candidate whom Slemons had narrowly defeated in the primary, waged vigorous and expensive campaigns. When the votes were counted, Cordova garnered 61,720 votes, 54,372 votes went to Slemons and 34,860 write-in votes were cast for Bergeson. The district, which is 56 percent Republican and 35 percent Democratic, has always been considered a safe Republican seat.

Although many feel that Cordova's victory was due to Bergeson's write-in campaign which split the Republican votes, Cordova does not agree. He led the voting in all geographic areas of his district with the exception of Newport Beach, Emerald Bay and Leisure World. Cordova feels that had Bergeson not run, he still would have won. Cordova called for a $24,000 spending limit early in his campaign, and spent only $22,500 in winning the election, far less than either of the other two candidates. Thus his limited campaign effort made his win even more surprising. How did he do it? He got a big assist from Slemons.

Before the election, Slemons was known primarily for his Mercedes-Benz dealership. After the primary, Slemons left for Europe on a long vacation, feeling that his election was assured. Upon his return, the U.S. Customs Office confiscated pornographic material which he allegedly smuggled into the country. The *Santa Ana Register* reported the story in banner headlines. (It was rumored that this was not Slemon's first such bout with the U.S. Customs).

Empty chair

At the same time Slemons was receiving adverse publicity about his apparent interest in pornography, he was also being criticized by Cordova and the media for not showing up at the candidate forums or speaking engagements. Slemons began to be viewed as either arrogant or cowardly. Cordova made the most of Slemons' absence by using the technique of the empty chair. Slemons finally issued a press release saying that he was not appearing at meetings on advice of counsel — an answer that raised more questions than it answered.

Some adverse feelings were generated by a piece of Slemons' literature which made it appear as though he was supported by former Governor Ronald Reagan, Arizona U.S. Senator Barry Goldwater, Assemblyman Robert Badham and state Senator Dennis Carpenter. But when one read the small print on the mailers, it was "the wife of" or "the campaign manager of" or someone related to the named endorser, and not the big shot himself who had lent the name. Many Republicans found this offensive.

Another Slemons district-wide mailer stated that he and his wife had been in their neighborhood, were sorry to have missed the occupants and hoped that they would vote for him. This piece was felt to be deceptive since Slemons had not been seen in any of the areas to which the mailers were sent. The last Slemons' piece, received on the eve of the election, implied that Cordova might be indicted as the result of a massage-parlor incident. It featured a copy of a legal document with Cordova's name and the details of an arrest at a massage parlor. It turned out that Cordova, acting as deputy district attorney, had prosecuted an accused prostitute and she was filing suit for false arrest against a list of law enforcement officers, of which Cordova was one.

Enter Bergeson

All of this served to convince Bergeson, a former school teacher who served on the Newport-Mesa School Board and was president of the California School Board Association, to mount a last-minute write-in campaign. This made the Slemons supporters furious. Bergeson sought but didn't receive visible support from the Republican leadership, which was concerned that a write-in campaign would split the vote and elect Cordova. Nonetheless, she filed five minutes before the deadline on the 19th of October, and proceeded to put together an effective write-in campaign which netted her 35,998 votes — a record effort.

For whatever reason, the heavily Republican 74th Assembly district encompassing Newport Beach, south Orange County and a part of San Diego County (including the home of Richard Nixon) is represented by a self-assured Democrat named Ron Cordova. The question is whether Cordova can hope to win a second term. Cordova, who has no intention of changing his party registration, says he is a conservative whose voting record will make him worthy of both Democratic and Republican votes. Cordova's election may be a political fluke but he is out to convince his district Republicans that having a Democrat represent them may be a blessing in disguise.

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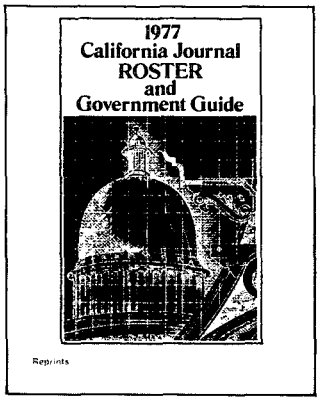

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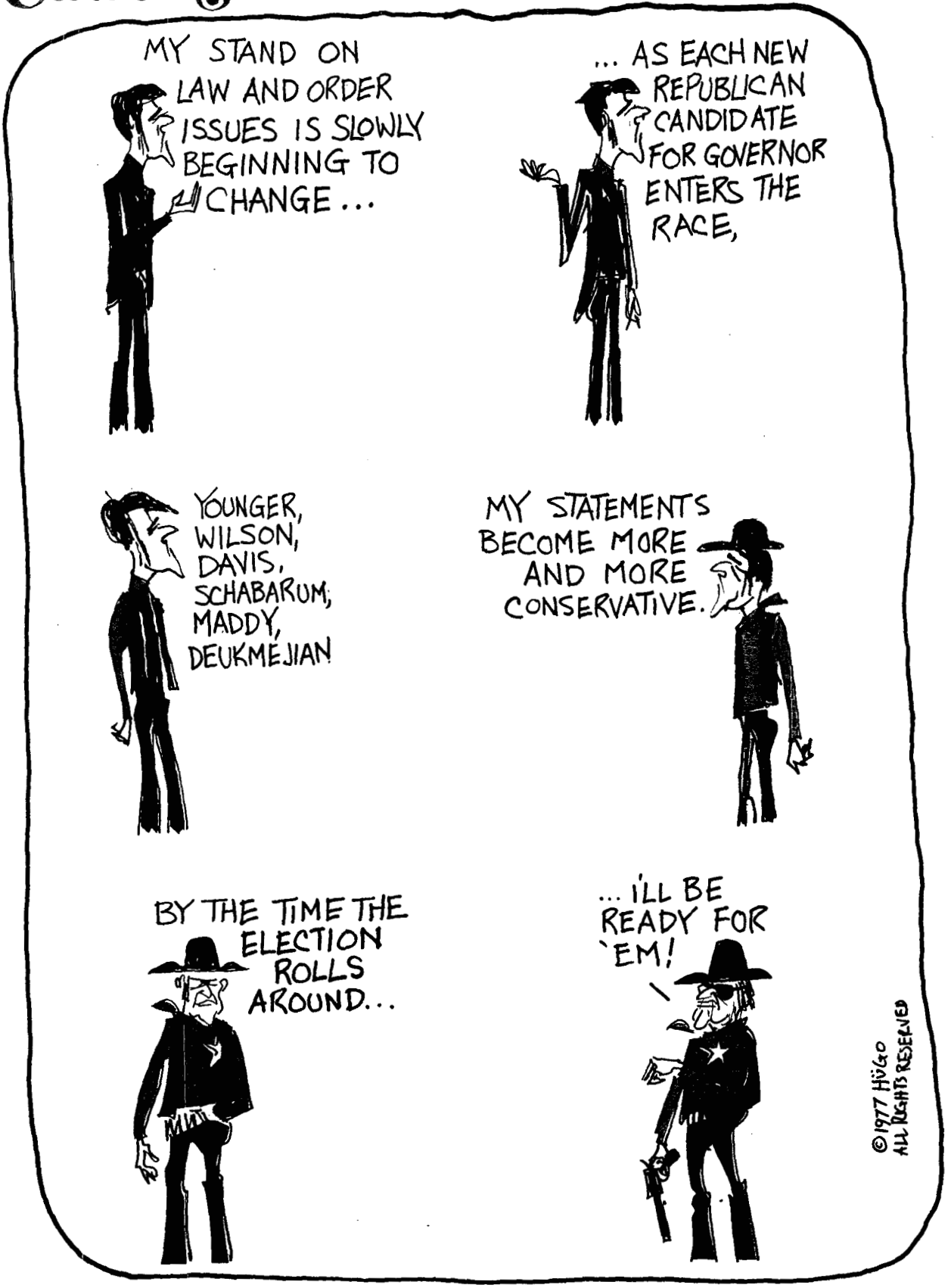
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ROBBINS' 3 R's: RAPE, REDEVELOPMENT, REPUBLICANISM

The big Bradley lead only busing can threaten

By JOE SCOTT

"This is my racket. What's yours?" — General Hershey Bar.

"General, let me give you a rape whistle." — State Senator Alan Robbins.

Shortly after Los Angeles Mayor Tom Bradley announced his candidacy for a second four-year term, 14 of the 32 persons who had filed their intent to run against him met at the Van Nuys home of state Senator Robbins to map strategy and agree on a series of public debates. Robbins, who hands out rape whistles as a symbol of his supposed effectiveness in Sacramento, called the meeting in the hope that the relative unknowns would get sufficient voter support in the April 5th municipal primary election to force Bradley into a May 31st runoff.

Bradley began the campaign as such a heavy favorite that one City Hall handicapper compared the Bradley-Robbins match to a fantasy contest between the Oakland Raiders and the combined talent of the Minnesota Vikings, the Tampa Bay Buccaneers and the Seattle Seahawks, in which the champion Raiders win 51-0. Robbins' skull-session gambit, geared to preventing a quick knockout win for Bradley in the primary, suffered a jolt when some of the more prominent candidates failed to attend. The most notable absentee was Howard Jarvis, a tax-reduction advocate and well-known political gadfly whose positions tend to reflect those of Robbins.

As the gods of El Pueblo De Nuestra Senora La Reina De Los Angeles De Porciuncula would have it, some of the other would-be mayoral aspirants who turned up — including the second Alan Robbins, a municipal investments executive, and Calypso Joe, a satirical film publisher who calls himself General Hershey Bar — failed to file nominating petitions. (The general appeared in a much-beribboned uniform and extended the tennis racket to the first Alan Robbins.)

Bradley vulnerable?

The mayor ended up with only 11 challengers after a zany round of political foreplay worthy of the Keystone Kops. In addition to Robbins and Jarvis, viewed by some as a joint entry, horse-race style, the field includes Milo A. Speriglio, a private detective; Sam Manuel, a Socialist Party organizer; two realtors, Gloria Rios Berlin and Barney Feldman; Frank Kelley, a clergyman; Chris Musun, a college professor; John Luis Arado and Michael Hirt, businessmen, and Seymour Rosen, who will have no occupational designation on the ballot.

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While every early public-opinion survey has shown Bradley comfortably ahead, with endorsements across the entire spectrum of the civic politic, the 58-year-old lawyer and former policeman had been considered vulnerable in terms of reelection. After Bradley defeated incumbent Sam Yorty in 1973 to become the first Black elected mayor of the nation's third largest city, there was a perception, especially among some White voters in the San Fernando Valley, that the councilman's election might be converted into immediate political favors for the poor and Blacks, who comprise 18 percent of the city's 2.5 million inhabitants.

Ironically, many of Bradley's foes, chiefly the San Fernando Valley's 33-year-old Senator Robbins, are angry at the major for supporting wealthy downtown business interests who are backing a controversial downtown redevelopment plan while allegedly ignoring suburban pleas for tax reform. The most universal fault attributed to Bradley has been a failure to make good on his prime 1973 campaign pledge — to turn the first shovel for a new urban transit system within 18 months. (Los Angeles voters twice rejected transit tax proposals.) Conservative city councilman Arthur K. Snyder, who represents a largely Chicano district, believes Bradley has not done enough to increase the

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number of jobs in the city or to provide low-income housing.

Robbins is outspoken on what he claims is Bradley's benign, uninspiring leadership. "Mayor Bradley is a very sincere and well-meaning person, but he has one big problem — he does not like to grapple with the tough issues facing Los Angeles." Privately, a few of the city's superchiefs and their public-affairs "talking chiefs" concur in the criticism that Bradley has run a plodding, lacklustre administration. But their bottom line is this: Bradley has been pro-business and there have not been any Watts riots while he has been mayor.

One of the major points made by Bradley supporters is that the mayor has kept Los Angeles fiscally sound, avoiding the problems of crime and spiraling welfare rolls that have devastated New York and other ranking American cities. In announcing his candidacy, Bradley repeated the phrase "enlightened stinginess," first used last August in a report to the city council describing his conservatism in spending local tax money and vowing to be an ardent seeker of federal dollars to subsidize city government.

Robbins' attack

Robbins, in announcing his candidacy on December 10th, concentrated on high property taxes, the mayor's large staff and crime. He did not mention, however, the campaign's mystery issue — school integration — which could decide the outcome of the race, particularly if a May runoff is necessary. In a January 4th kickoff announcement, Bradley made a categorical statement on integration while attempting to position himself closely to the conservative stands of the state senator on taxes and crime. "I am against massive crosstown busing," said the mayor, who subsequently (and to the disappointment of some of his liberal backers) declined to take a position on the limited integration plan which a majority of the city's Board of Education voted to submit, as legally required, to the Superior Court for approval. Basically, Bradley's position is that he is committed to enforce the court's decision, whatever it may be, when the ruling is handed down this spring, perhaps before the runoff-election date.

Contrary to his 1973 posture, Bradley has decided to make no endorsements in school-board races on the April 5th ballot, preferring to remain "above the battle" and to exert what he calls "moral leadership" for whatever integration plan is adopted. Robert Docter, the liberal board member backed by Bradley in 1973, faces a stiff challenge from anti-busing candidates. Robbins, who had told busing foes early in the campaign not to count on him making a great deal out of the issue, subsequently declared that a massive busing plan would be a disaster and charged into the race with a pledge to support whichever of the three Docter challengers makes the May runoff. One of the key questions in the mayoral campaign is whether Bradley, despite his efforts to avoid entanglement on the thorny busing issue, might somehow be hurt by the simmering public controversy — even though he has no control over the outcome.

One public-opinion survey taken in mid-January by NBC for KNBC and the *Los Angeles Times* showed that Bradley had a good job-performance image. Even though voters' feelings were strongly against busing, at least early in the game, busing apparently is seen as a school board, not a mayoral, concern. The few surveys available early in the race suggest that only a dramatic turnaround of voter sentiment could defeat Bradley, and perhaps only the integration issue somehow could trigger that great a change in the stretch run.

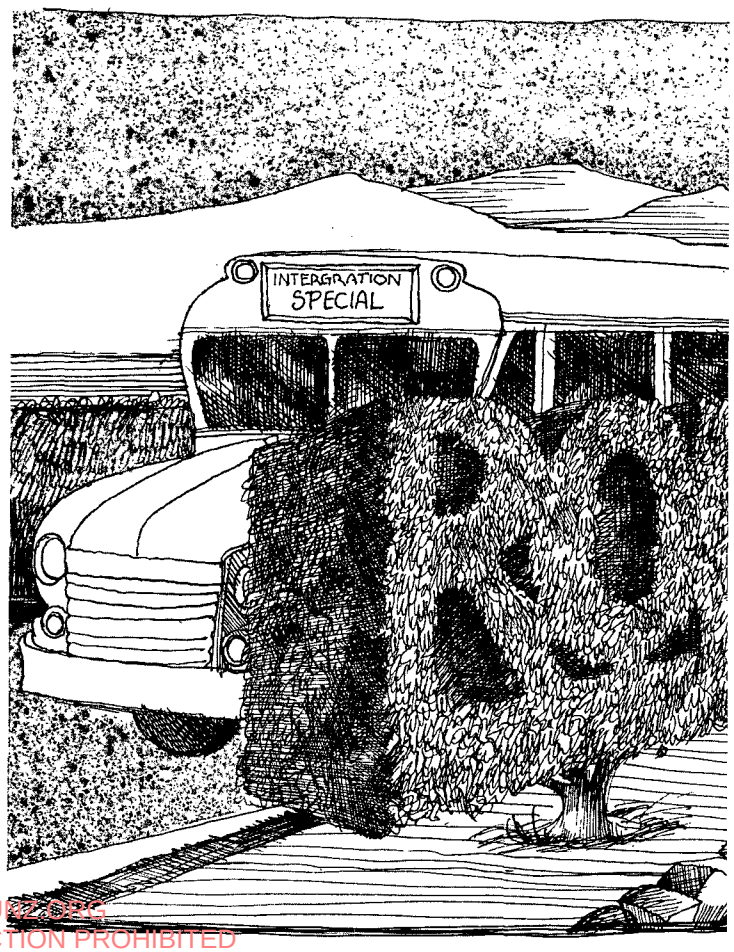
The NBC sample showed that 61 percent of the voters perceived the mayor as doing a "good" or "excellent" job, compared to a six percent "poor" rating. A Corey Research poll in February of 1976, by contrast, gave Bradley a 43 percent "good" and nine percent negative rating. If the primary had been held in mid-January, the NBC survey showed that the mayor would have won overwhelmingly among those questioned. The figures: Bradley 60, Robbins 8, Jarvis 4, "someone else" 2, undecided 20, "would not vote" 6.

Mayor's lead in polls

A Robbins poll, conducted by Western View-Point Inc. of Long Beach, showed Bradley leading the senator, 55 to 27, with 18 percent undecided. Tulley Plesser, a New York consultant working for Robbins, believes that the part of the survey showing that only 40 percent of the pro-Bradley sentiment is "definitely committed" means that the incumbent is "extremely vulnerable to challenge." Plesser told the *Los Angeles Times* that the harbor and East Side Chicano areas are crucial to the success of the senator's candidacy. One aspect of the Robbins survey which was disturbing to the senator was an indication that the candidate had a lower-than-anticipated name-recognition profile in parts of the San Fernando Valley outside his legislative district.

Last December, there was speculation that Councilman Snyder, a Republican, might enter the race with Democrats Bradley and Robbins, thus dramatically increasing the likelihood of a runoff in the non-partisan contest. Snyder commissioned an elaborate survey by New York pollster Arthur J. Finkelstein. The results (a Bradley score of 63 percent) apparently convinced Snyder that the mayor was unbeatable.

Although little was written about it at the time, there were indications late last year, when there was talk that Bradley was being considered for a post in the Carter cabinet, that another major name might surface in the current mayoral contest. Carla Anderson Hills, President Ford's housing secretary, spent some time during a Thanksgiving visit to Los Angeles evaluating the subject. A Hills candidacy, even with Bradley in the race, would have



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created problems for the Los Angeles business community in terms of divided loyalty and financial support. As one major corporate officer put it, "We would have had to reassess our position." As it turned out, the Hills boomlet fizzled early and Bradley now enjoys virtually solid backing from the Los Angeles business community with Lew Wasserman, MCA chairman, and Philip Hawley, chief executive officer of Carter Hawley Hale, in co-finance chairman posts.

Quite early in the contest, Bradley obtained the support of a virtual majority of the city council, including its president, John Gibson, who represents the harbor area and has never been a Bradley fan. In a blizzard of subsequent Bradley endorsements by Democratic lawmakers representing parts of the city, Robbins could take comfort only in the neutrality of Councilman Zev Yaroslavsky, a likely mayoral candidate in 1981. Yaroslavsky represents the liberal west side and a majority of the city's Jewish community.

Lineup of backers

The mayor also has the backing of most elements of organized labor, and Bruce Corwin, new southern chairman of the Democratic Party, is Bradley's campaign treasurer. Yet the Robbins camp remains confident that such electoral posturing is meaningless. One of those trying to counter the endorsement syndrome with a populist appeal is Terence J. Matthews, a former state Democratic finance chairman and a county crime commissioner who was not reappointed by Bradley to the city harbor commission in 1975 despite a portfolio of weighty political recommendations. "We will lead a grassroots effort and return the people's voice to City Hall," said Matthews in accepting a key Robbins fund-raising role. The general belief is that the mayor's money machine, while slow in cranking up, is approaching the $700,000 primary goal of each major camp. Both the Bradley and Robbins campaigns would like to pour about $400,000 of their budgets into an all-out media effort. New York image-maker David Garth, who did Bradley's 1973 commercials, has been retained again; Robbins' media blitz will be an in-house operation.

The managers for both camps are strangers to Los Angeles city politics. Bradley's top staffer is David Mixner, who ran the winning campaign of anti-war activist Sam Brown for treasurer of Colorado, served as co-director of the VietNam Moratorium Committee and was a consultant for the Natural Resources Defense Council and for the John Tunney campaign last year. He was recruited by Los Angeles attorney Nelson Rising, who chairs the Bradley campaign, as he did four years ago.

Although Robbins is a Democrat, there is a distinctly Republican flavor to his management personnel. The campaign director is Kenneth S. Rietz, the youth director of the 1972 Nixon reelection campaign and the California political director of the Reagan and, subsequently, Ford presidential campaigns in 1976. Ford's California press secretary, Larry Peck, is also working for the senator.

In the early stages of the campaign, Robbins was viewed as being strong among conservative Republican voters, especially in his San Fernando Valley heartland. Some of that feeling may have dissipated in recent weeks with the 74-year-old Jarvis talking about the need to correct the "confiscatory, grand-felony property-tax situation." But the result is the same, fewer Bradley votes.

Bradley, who projected an attitude of overconfidence which worried some members of his political inner circle in early January, has begun to take the challenge by Robbins, Jarvis and the rest of the field more seriously. "I still have to work very hard," he told a small group of political reporters over breakfast. "I'm planning for every contingency."

Abrasive reputation

Robbins, who has a reputation in Los Angeles and Sacramento for abrasiveness, opportunism and determination unusual even for veteran politicians, can be expected to carry the fight with increasing intensity in the closing weeks of the primary stretch run. (He passed out tens of thousands of ballpoint pens while spending a state record sum of $338,967 getting elected to the state Senate in a 1973 special election.)

Aside from the unknown impact of how increasing media attention to the busing issue may influence the vote, Robbins must overcome a number of difficult obstacles to force a runoff. The first NBC survey provides one clue about the task that faces Robbins: Bradley recently proposed a controversial city income tax as a means of financing property-tax relief. Robbins strongly attacked the idea, attempting to develop a breakthrough issue. But of the 46 percent who objected to this taxing concept (37 percent approved and 17 percent were undecided), 55 percent rated Bradley's job as good or excellent and 57 percent said they would vote for him.

Robbins has been attempting to hack away at this lead with the kind of rhetoric that goes over big with frustrated and disgruntled taxpayers: "This is a campaign of the downtown, moneyed special-interest groups against the people who work for a living and pay their taxes." Robbins' folksy everyone-against-Bradley strategy session in his Van Nuys home produced a tiny triumph of sorts — agreement from Bradley campaign manager Mixner that the mayor is "not afraid" to meet Robbins in debate provided that a means of working in the other candidates can be arranged.

The question is whether, without the showmanship of P.T. Barnum and Tom Thumb, and the banter of campaign-dropout General Hershey Bar, these debates will do anything to rouse the Los Angeles electorate into changing its municipal leadership.

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CAMPAIGN '78 PRELIMINARIES

It's candidate cocktail time, but how many will stay for dinner?

By Ed Salzman

This is "make-yourself-interesting" season in the California political cycle. With the long time span before any hard commitments need be made, it costs a politician nothing to suggest that he or she will be running for higher office in 1978. The rewards are ego satisfaction, favorable publicity and the chance that more than a few people will take the candidacy seriously. The Legislature is loaded with relatively obscure lawmakers who are telling anyone who will listen that they are "seriously considering" or "planning" to run for statewide office next year.

But the politician making himself more interesting than any of the others is Lieutenant Governor Mervyn Dymally, who claims he may not seek reelection next year but instead may run for Congress or retire from elective politics. State Treasurer Jesse Unruh also says he is leaving his options open, even the possibility that he will return to the Legislature. What Dymally and Unruh do when it comes time to start filing papers will determine to a large extent the configuration of next year's statewide political battlefield below governor.

Most politicians justifiably assume that officeholders will seek reelection unless there is solid evidence to the contrary. A corollary to that rule is that a politician will rarely give up a safe seat in Congress or the Legislature to enter a risky campaign. Thus, those with free rides — such as San Diego Mayor Pete Wilson or state Senators with terms running to 1980 — are much more likely to file than members of the Assembly or Congress.

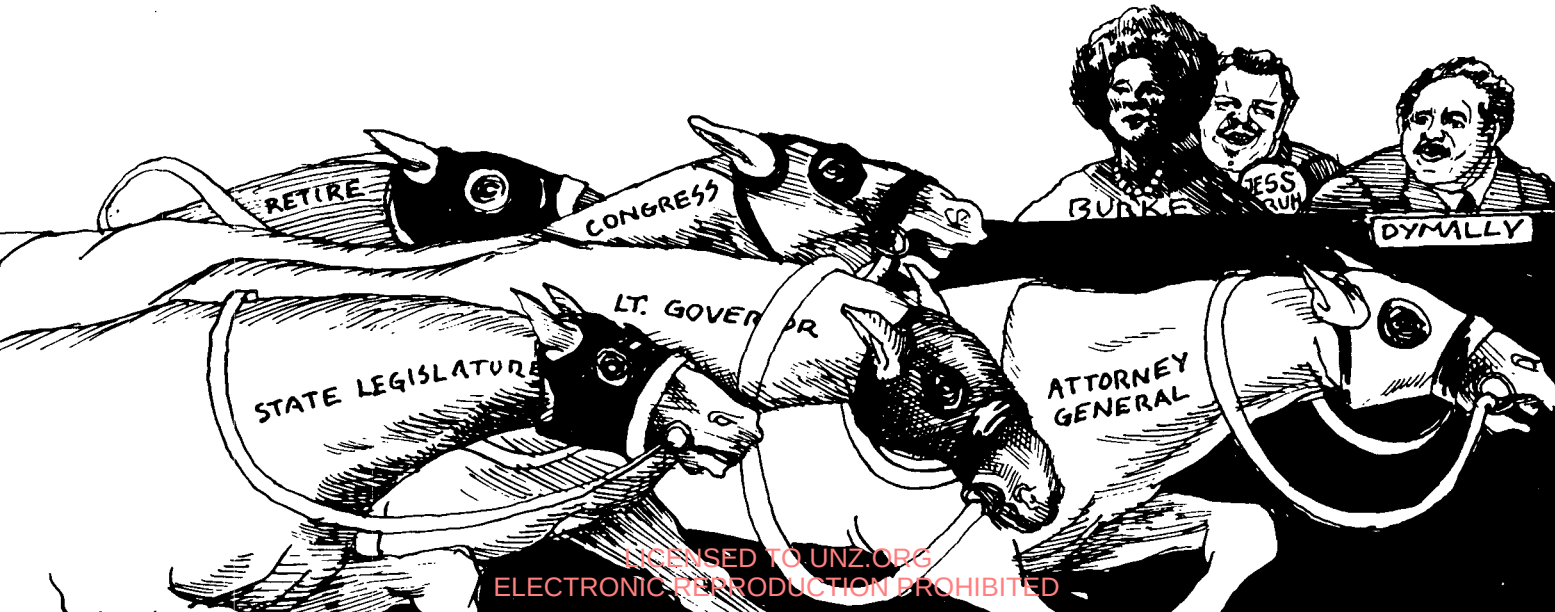
Attorney General Evelle J. Younger is doing more than making himself interesting; his campaign for the Republican gubernatorial nomination is already under way. This means there will be at least one non-incumbent statewide office that should be hotly contested in both major-party primaries. Congresswoman Yvonne Brathwaite Burke has already indicated an intention to seek Younger's job, but she will probably switch to lieutenant governor should Dymally withdraw.

Two sure campaigners

At this point, there are two all-out GOP campaigns for governor in progress — Wilson's and Younger's. Both occupy the center of the political spectrum, and there will be at least one conservative in the race. Los Angeles Police Chief Ed Davis has been acting very much like he'll be that conservative, but Davis isn't exactly the kind of candidate the Ronald Reagan organization would prefer to win the primary. Davis is an uncontrollable, one-issue candidate who might just get presidential notions of his own should he be elected governor. Both Wilson and Younger have been making overtures to Reagan, attempting to eliminate any hard feelings that might have been caused by their support for Gerald Ford last year.

Here is how the various races look 15 months before the 1978 primary:

• **Governor.** Jerry Brown is full of surprises, but he's too young, too popular and too ambitious to quit after one term. He may draw opposition, but he should win the Democratic primary without breaking into a sweat. Aside from Wilson, Younger and Davis, there have been numerous names mentioned as possible gubernatorial candidates, including Assemblyman Ken Maddy of Fresno, a moderate who embraced Reagan last year. If Davis decides not to run, another conservative will. Wilson would probably be the toughest opponent for Brown, but winning the primary will be extremely difficult for the San Diego mayor, who has poor name identification in the north and is disliked by some



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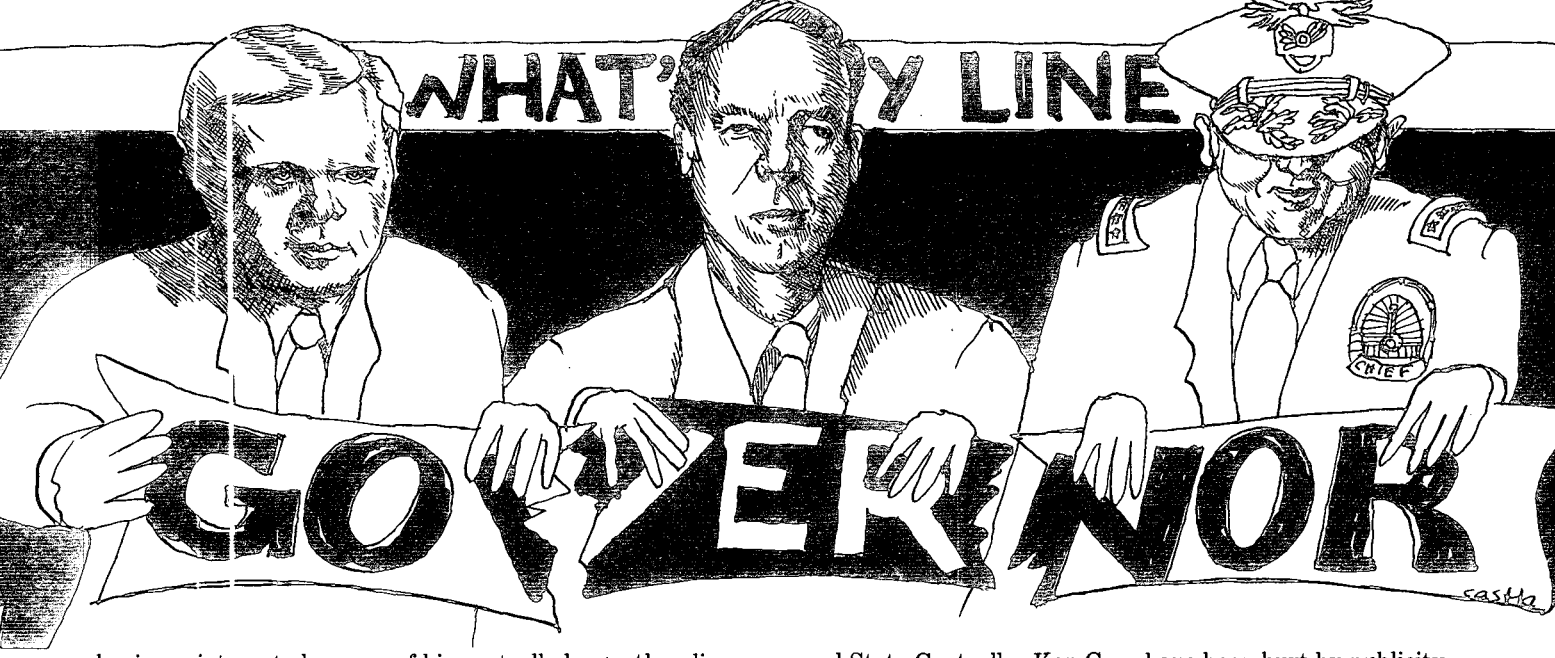

business interests because of his controlled-growth policy. If Younger, who has a broad political base, splits the moderate vote with Wilson, any lone conservative in the race could take the nomination.

◦ **Lieutenant Governor.** Dymally is disgusted. He's not making as much money as he feels he needs. (He gets $35,000 a year.) He has given up hope of becoming governor, and little of value is now going on in his office. Most of all, he claims he has been persecuted by the "racist bastards" in the press who have run articles questioning his honesty and integrity. He says he may run for lieutenant governor again just to vindicate himself. Actually, there has been very little against Dymally run in the press over the last year. But Dymally has employed a tactic credited to former basketball coach Red Auerbach of the Boston Celtics. Auerbach used to scream at the referees, not to get a call against his team reversed but to inhibit the official from blowing the whistle a second time.

Dymally has the option of running for Congress if veteran Augustus Hawkins retires or Burke elects to seek statewide office. (There is no residency requirement for Congressional races.) That would get him a bit more money and into the national political arena, where he has been dabbling for years as the catalyst of a Black-elected-officials organization.

On the Republican side, 31-year-old National Committeeman Mike Curb, who made a fortune in the music business, will probably be making an initial bid for elective office. Trial balloons also have been floated by Congressman Clair Burgener of San Diego and Assemblymen Dixon Arnett of Redwood City and Mike Antonovich of Glendale.

◦ **Attorney General.** With Younger out, the field is wide open. Among the Democrats who could run are Representative Burke, Assemblyman Barry Keene of Eureka, City Attorney Burt Pines of Los Angeles, District Attorney Joseph Freitas of San Francisco and the 1974 loser to Younger, William Norris of Pasadena. The two most-discussed Republican possibilities are state Senator George Deukmejian of Long Beach, who has a free ride, and Maddy, chairman of the Assembly criminal justice committee. Maddy appears ready to gamble, and he just might mean what he says when he insists he is running for governor, not attorney general.

◦ **Secretary of State.** Most politicians feel that the incumbent, Democrat March Fong Eu, is unbeatable. She carried all but one county in 1974, and there is no indication that her popularity is on the downswing. She should draw lightweight opposition.

◦ **Treasurer and Controller.** Both Treasurer Unruh and State Controller Ken Cory have been hurt by publicity linking them to Orange County millionaires Richard O'Neill and Louis Cella. They should draw heavy opposition, and either or both could draw challenges within the Democratic party. The Republican candidates probably will not come to the fore until late in the game, but there are at least two possibilities in the Legislature—state Senator John Briggs of Orange County, who has a free ride, and Assemblyman Bob Cline of Northridge, currently a candidate for Los Angeles city controller.

◦ **Superintendent of Public Instruction.** The incumbent in this non-partisan office, Wilson Riles, can probably have another term for the asking. But Riles has been mentioned for a Carter Administration appointment, and that would bring out a large field of candidates unknown outside the educational establishment.

The fate of most statewide candidates will depend heavily on how the public views Brown at election time. If he retains a high level of popularity, the Democrats again will win almost all of the statewide offices. With Younger not seeking reelection, a clean sweep is within the realm of possibility. But Brown's showing in the California Poll took a perhaps-significant drop at the end of 1976. Brown had previously received consistent approval ratings in the mid-70's through 1975 and the summer of 1976. But Mervin Field's post-election survey showed Brown's approval percentage dropping from 73 to 66 and his disapproval percentage rising from 15 to 21. This means that Brown's performance image dropped from a 5-1 approval ratio to a 3-1 ratio, still comfortable but with an ominous trend for the Governor.

Effect of Brown's image

While Brown's image will have a major impact on statewide candidates, it will probably have relatively little effect on races for Congress or the Legislature. These turn more on factors peculiar to each campaign. Because Democrats hold such overwhelming majorities in both houses of the Legislature and in the Congressional delegation, they will be in a defensive position next year. Here are some of the districts to watch:

◦ **Congress.** The Democrats hold a 29-14 advantage in the House delegation, and there are only a few districts that look marginal for 1978. Three Democrats, Robert Leggett, John McFall and Charles Wilson, have been hurt by publicity tying them to the South Korea scandal. But all three come from heavily Democratic districts where they have won repeatedly, and their biggest problems could come in the primary. The Republicans will probably concentrate on three other districts: the 16th, where Leon Panetta

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of Carmel Valley unseated Republican Burt Talcott last year; the 34th, where Mark Hannaford of Lakewood was reelected by a razor-thin margin; and the 35th, where Jim Lloyd of West Covina took 53 percent of the vote.

On the surface, it appears that all 14 Republican districts are solid. But in the 33rd district, Del Clawson of Downey captured only 55 percent of the vote last year and might be coming to the end of the line. Also, the veteran Bob Wilson of San Diego could be in trouble should Democratic state Senator Bob Wilson decide to challenge him. The Democratic Bob Wilson is one of the best door-to-door campaigners in the state.

• **State Senate.** Three years ago, the Democrats won 17 of the 20 Senate seats on the ballot. On the surface, it appears that next year they might have to pay the price for being so successful. But an analysis of the districts indicates that, should all 20 incumbents seek reelection from even-numbered seats in 1978, there will probably be little change in the complexion of the Upper House. In fact, the seat probably most vulnerable is held by a Republican, Peter Behr of Marin County.

Behr may be faced by former Senator Randolph Collier, who lost his seat last November to Republican Ray Johnson of Chico. But Collier has represented much of Behr's coastal district in the past and easily could change residences. A Collier-Behr contest would pit a conservative Democrat against a liberal Republican — a novelty in modern California elections.

The Democratic incumbents appear to be in good shape even though four represent marginal territory — Arlen Gregorio of San Mateo, Walter Stiern of Bakersfield, Ruben Ayala of San Bernardino County and Robert Presley of Riverside. All but Presley won handily the last time out, and Presley probably will have weaker competition this time.

Perhaps the most interesting aspect of the 1978 senatorial elections will be the extent of the budding primary challenges to a pair of veteran Democrats, Alfred Song of Montery Park and Ralph Dills of Gardena. Dills has survived rough primaries in the past with breathing room, but this will be Song's first well-financed challenge in many years, if indeed it materializes.

• **Assembly.** The safest bet for the 1978 election is that the Democrats will lose ground in the Assembly. They can hardly be expected to maintain the lopsided 57-23 majority they amassed last November. The prime Republican targets will be 10 Democrats who won by less-than-convincing margins. The best Republican chances are in Orange County where Democrats took two seats that should be safe for the GOP — the 73rd and 74th districts, now represented by freshmen Dennis Mangers and Ron Cordova. In the 74th, Cordova captured only 41 percent of the vote, with the Republican turnout divided between two candidates. Also in Orange County, Democrat Chet Wray won by only a handful of votes, making him another prime target.

Four of the Democrats who won by less than 55 percent of the vote are probably in less trouble than appears on the surface. John Vasconcellos of San Jose has been working hard to rebuild alliances in his district after winning only 54 percent of the vote. Bruce Young of Cerritos defeated an incumbent in a 61 percent Democratic district. His margin should improve next year. Carmen Perino of Stockton survived a tough battle with former Assemblyman Doug Carter last November. He could breathe more easily next time against weaker opposition. And freshman Richard Lehman of Fresno should be able to improve his 54-percent vote despite low Democratic loyalty in his district.

This leaves three other Democratic incumbents who could be prime Republican targets: Freshman Mike Gage of Napa, who took just over half the vote; Michael Wornum of Marin County, who won with less than half the vote; Larry Chimbole of Palmdale, who survived by only 1,100 votes.

It would seem that with only 23 members in the Assembly, the Republicans would not feel it necessary to defend weak incumbents. That dosen't happen to be the case, however. There are several seats that will be subject to Democratic attack. If Ken Maddy of Fresno runs for a statewide office, as seems likely, his seat will almost certainly go Democratic with a 67-percent Democratic registration. Paul Bannai of Gardena will be a prime target again. He managed to win with 50 percent of the vote last year in a 70-percent Democratic district. Freshmen Jim Ellis of San Diego and Charles Imbrecht of Ventura County could be on the Democratic hit list if strong candidates can be developed to oppose them. Democrats also think there is an outside chance that Bill Lancaster of Covina can be taken if Sandy Baldonado runs against him again. Lancaster beat her 54-46 last year.

In addition, there could be some unusual voting patterns that develop from special elections in Los Angeles this year as a result of resignations. Assemblyman Alan Sieroty is expected to win the Senate seat vacated by Congressman Anthony Beilenson, necessitating a contest for Sieroty's seat. There also will be an election to replace Assemblyman Charles Warren, who is joining the Carter team in Washington. Two members of the Assembly, Republican Bob Cline and Democrat Jim Keysor, will depart Sacramento if they are successful in the Los Angeles city election. Cline is running for controller, Keysor for city council. The Cline and Keysor seats are especially vulnerable to two-party competition. (The underdog Los Angeles mayoralty candidate, state Senator Alan Robbins, also would depart should he pull an upset victory.)

Third man theme

Within the Democratic party, decisions made by three men could change the complexion of next year's statewide primaries dramatically. John Tunney and Tom Hayden, who both lost in the U.S. Senate race last year, say they are looking for opportunities to re-enter the California political picture. Hayden might try again to knock off an incumbent, but there is hardly a statewide opportunity that lends itself to a Hayden-style issue campaign. Either man might run for lieutenant governor should Dymally decide not to seek reelection.

The third man is already the third most important man in the California Democratic party today (behind Governor Brown and Senator Alan Cranston) — Assembly Speaker Leo T. McCarthy. There is talk already about a contest to succeed him as speaker should McCarthy run for attorney general or lieutenant governor. (The names most often mentioned in the speakership battle are Willie Brown of San Francisco and Democratic floor leader Howard Berman of Los Angeles.)

But McCarthy probably will not run unless he sees rapid escalation to the top. Why should he abandon the second most powerful office in state government for a life of political lethargy? Why should he take even a moderate amount of risk when he can be virtually assured of retaining his position of power in the Assembly for little more than the asking?

McCarthy, however, could view the attorney general's office as a logical step to the governorship, as it was for Earl Warren and Pat Brown — and as Evelle Younger will try to make it next year. And he is undoubtedly at the ready position for the unlikely eventuality that the state's unpredictable young Governor will murmur casually at 3 a.m. some Sunday to a sleepy-eyed reporter that he thinks four years are enough for any man in an era of limits.

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REGIONAL-BOARDS BREACH OF FAITH?

The new coastal commission, more bad news for developers

By Barbara J. Swain

After four years of regulating development along California's 1,072-mile coastline, the California Coastal Zone Conservation Commission went out of business on December 31st — but the public will hardly notice the difference. Some of the same commissioners were immediately reappointed to the successor California Coastal Commission, established last year by SB 1277, authored by Senator Jerry Smith.

The new coastal commission has a revised set of responsibilities: overseeing local government coastal management instead of issuing permits, getting established in the bureaucracy of permanent state agencies and working toward a series of long-range resource-management goals. Like its predecessor, the new coastal act represents a victory for the environmental organizations which have fought for statewide coastal development controls since the 1960s. Larry Moss, executive director of the Planning and Conservation League, hails it as "the strongest piece of land-use legislation in the nation."

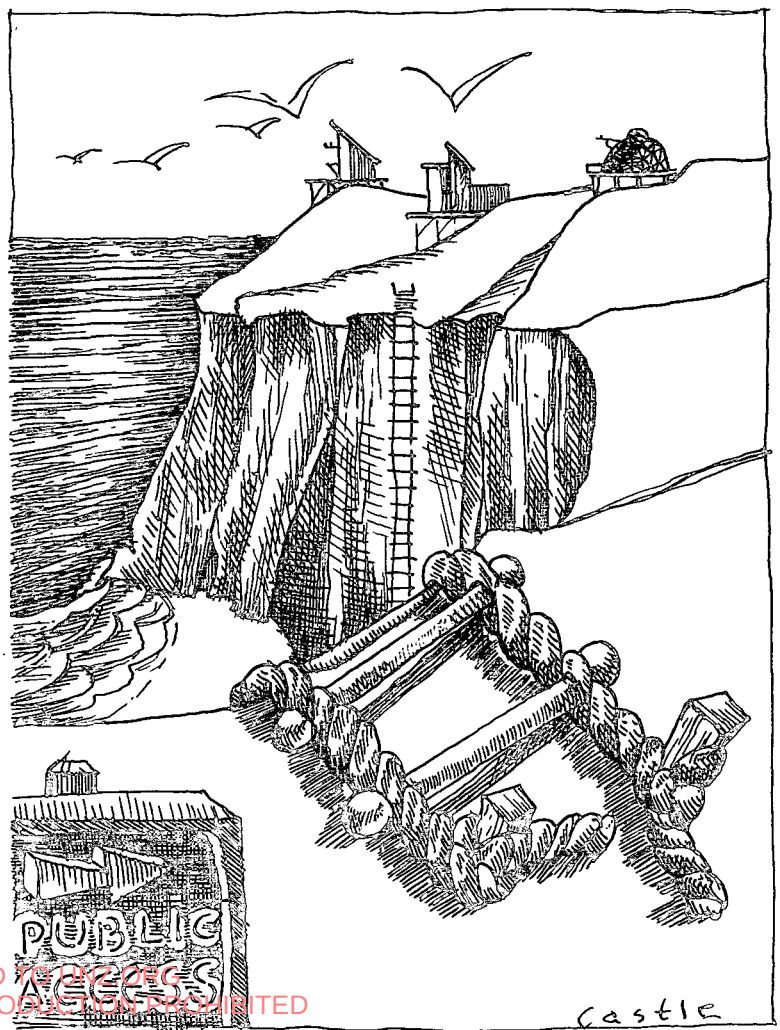
The 1976 coastal act establishes a "coastal zone" that is to be protected maintained and, where feasible, restored and enhanced. It continues the state's involvement in coastal regulation through a state commission charged with overseeing local government land-use planning and enforcement procedures. It gives priority to conservation of coastal resources and coastal-dependent development, and calls for the concentration of new development in already-urbanized areas. It further lays down goals for maximum public access, emphasizes the socio-economic needs of Californians and encourages a coordinated state and local effort to achieve these ends. Most of all, it establishes orderly, balanced utilization and conservation of coastal resources as a long-range goal for California.

Questionable local authority

Many of the policies spelled out in SB 1277 are direct descendants of a "coastal plan" developed by the commission under the 1972 law. In that year, California voters passed Proposition 20 to create a temporary system of state and regional commissions charged with regulating development along the coast through a permit system. Because the law was to expire at the end of 1976, the state commission was to prepare a long-range coastal-management plan and submit it to the Legislature in 1975 for implementation. Much of the resulting plan was incorporated into the new coastal act, leaving both supporters and opponents of the bill surprised that many of its conservationist provisions could survive the legislative process to become law.

The four years following passage of Proposition 20 constituted an experimental period during which the commission developed policies and tested its power to regulate. As a result, local governments were unsure of their authority over land-use decisions within the coastal zone, and developers were reluctant to embark on new projects which might be unacceptable under a new law. Now the state guidelines for coastal regulation are more clearly defined and specific responsibilities have been assigned to state and local governments. As one developer from San Diego put it, "At least now everyone knows what they're working with. Before we were hesitant to act out of fear that the Legislature would come along and wipe out all our plans with a new law."

A more substantive change engineered by SB 1277 is an increase in the size of the "coastal zone," the area falling under the protection of the act. The basic boundaries of the zone remain the same as the limits of the old commission's



The author is a political-science student at Scripps College in Claremont and prepared this article while a Journal *intern.*

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permit jurisdiction: three miles seaward to 1,000 yards inland from the mean high-tide line. What will be added are sixteen "bumps" or extensions which bring significant coastal estuarine, habitat and recreational areas under the protective custody of the state. Both the size and location of the bumps make them noteworthy; they range from two to 95 miles in length and from one and a half to six miles in width and include such recreational areas as Big Sur and Bodega Bay.

Coastal commissions — old and new

Of the 12 voting members on the new California Coastal Commission, seven are holdovers from the old Coastal Zone Conservation Commission.

The current membership:

Governor's appointments — Chairman Melvin Lane of Menlo Park, publisher of Sunset books; Naomi Schwartz of Santa Barbara, field representative for Assemblyman Gary Hart.

Assembly appointments — Judith B. Rosener of Newport Beach, faculty member at the University of California, Irvine; Richard A. Wilson of Covelo, rancher.

Senate appointments — Lois Ewen of Coronado, writer; Fred Farr of Carmel, attorney and former state senator.

Regional commission appointments — Mildred Benioff of Mendocino, conservationist; Bradford W. Lundborg of Santa Rosa, physician; Ruth Andresen of Salinas, geologist; John A. Rush of Camarillo, insurance agent; Rimmon C. Fay of Venice, oceanography consultant; Jeffrey Dean Frautschy of La Jolla, marine geologist.

The new members are Schwartz, Rosener, Ewen, Lundborg and Rush. They replace Roger T. Osenbaugh of Pasadena, Ellen Stern Harris of Beverly Hills, Bernard J. Ridder Jr. of Garden Grove, Supervisor Robert Mendelsohn of San Francisco and Emmons Blake of San Luis Obispo.

As before, the coastal zone will be subject to a state-wide planning and management program geared towards protecting the coast's natural and man-made resources from misuse. In the future, developers will have to comply with local zoning ordinances and regulations which in turn must meet all standards of the statewide law. The coastal act does not prohibit development, but is supposed to make sure coastal resources are not exploited.

Environmentalist unease

The coastal act's biggest break with the past lies not so much with what will be done to the coast, but who will do it. The new law strips the state commission of its permit authority, phases out the regional commissions and places primary planning and permit responsibilities with local governments. Under Proposition 20 regulations, local government land-use decisions were largely insignificant because developers were required to obtain permits from regional commissions. The regional verdict could be appealed to the state commission. Now, the 68 cities and counties along the coast will develop local coastal plans to be submitted for state commission certification by 1980. The state commission will provide criteria for the local plans and will assume most of the interim permit authority. After the local programs are certified, local approval will be sufficient for construction along the coast.

Environmentalists are uneasy about the emphasis the coastal act places on local initiative. When Proposition 20 passed, it assumed that local governments weren't dealing adequately with coastal management and that some form of state intervention was necessary. To conservationists, local home rule had produced high-rises and multi-unit complexes in Southern California that crowded the public off the beaches. Along the northern coast, environmentalists claimed, second-home developments left ugly scars on coastal bluffs and turned beach access into an elitist privilege. Fear has been expressed that, under the new law, a desire to expand the tax base and the susceptibility of officials to parochial development pressures will once again prove too strong for local governments.

The counter-argument is that local governments are best equipped to handle land-use regulations because cities and counties offer the maximum accountability, public accessibility and responsiveness to local conditions. This viewpoint was expressed in the 1975 commission plan and was partially a product of practical experience. It was more difficult for the public to keep in touch with the regional commissions than with their local authorities, duties were often duplicated under the multi-stage permit process and it was nearly impossible for commissioners to stay familiar with the idiosyncracies of coastal management in each locality along the coast. Both the League of California Cities and the County Supervisors Association dispute the pro-development bias attributed to local government — especially since many environmentalists have been elected to city and county offices in recent years.

But many environmentalists remain unconvinced and express two major concerns: Will the new commission and its staff find adequate time and manpower to carefully review each local coastal program? Will the commission's interpretation of the act be true to its "conservationist" spirit, or will commissioners bend under development pressures?

Slippery compromise?

The commission staff is predicting a hectic four years. Regulations are due by May 1977, local plans will be submitted by 1980 and certifications must be completed by 1981. In the meantime, the commission must produce interim permit regulations, hear permit appeals and conduct a series of studies. Local governments have the option to assume interim permit authority (Los Angeles city and Long Beach have already indicated they wish to do so), and may request that the commission develop a local plan for them. Whichever options local governments choose, the commission must be ready to proceed with its share of the responsibility.

Because of a compromise engineered by Governor Brown last summer, the commission will have the help of its six regional commissions. On August 23rd, a week before the close of the legislative session, SB 1277 was stalled on the Senate floor two votes short of passage. The Governor met with Senator Ruben Ayala, leader of the opposition, along with AFL-CIO spokesman John Henning and developer representatives. Ayala, who had proposed a coastal measure giving a much greater role to local governments, and the developers demanded that the regional commissions be omitted from the bill. Their main target was the South Coast commission which handled the enormous permit load of the Los Angeles-Orange County area. Ayala claimed the slow permit process of this commission made projects too costly

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and time-consuming for developers.

Brown agreed to this quid pro quo — elimination of the regional commissions in exchange for Ayala's support — and SB 1277 made it through the Senate. The actual language of the compromise gave the regional commissions only two years of life, but allowed the state commission to activate them "only if its workload proved great enough." In January, however, the commission immediately activated all six of the regional agencies while Ayala screamed "breach of faith."

How the commission implements the law depends largely upon the commissioners themselves. The commission is composed of twelve voting members: one appointee each from the six regional commissions and two appointees each made by the Governor, the Speaker of the Assembly and the Senate Rules Committee. The chairman of the old commission, Melvin Lane, retains his post. John Zierold, legislative advocate for the Sierra Club, considers the panel "the best we could have hoped for." He and his conservationist colleagues are breathing a sigh of relief over the appointments. Rumors were rampant last summer that Governor Brown had agreed to change the balance of the commission which had been loaded with what Jim Carroll of the Council for Economic and Environmental Balance termed, "elite environmentalists." If anything, the environmentalist representation was strengthened by the appointments.

Regardless of the ideological make-up of the commissioners, their job will involve a delicate political minuet. The issues they will be forced to wrestle with — property rights, beach access and alternative energy sources — are touchy and will force some highly controversial and perhaps unpopular decisions. Examples:

- **In urban areas,** especially along the crowded Southern California coast, the conflict between private property rights and public access is a perpetual quandary. Californians have a legal right to enjoy the beaches, but developments lining the coast often force the public to cross private property to gain access. This raises property dedication and condemnation issues which have been tossed around by the Legislature and the courts for years.
- **Along the rural central and northern California coast,** individual property owners are clamoring for the right to build on their land. Yet the cumulative impact of developments on the many undersized lots is taking a heavy toll of coastal scenery.
- **In all areas,** the commission will have to address the problem of limited public beach ownership. Out of California's 1,072 miles of coastline, 508 are in public ownership (75 by the military). Even in these 508 miles, developments situated between public roads and the ocean often make it impossible to reach beaches without trespassing.

Interpretation a challenge

Before turning their full attention to these matters, the commissioners must meet another challenge — interpreting the coastal bill itself. In a maze of policy statements, the 92-page law comments on such diverse subjects as energy, transportation, recreation and access. The potential for conflict is immense, and if any disputes do arise, the commission must choose a prevailing view. For example: If an environmentally sensitive marsh lies between a road and a public beach, should a road be built through it? The act clearly endorses public access, but also extends maximum protection to the delicate coastal wetlands and estuaries.

Proposition 20 provided funds for the old commission. Now, the commission will have to rely on the Legislature for appropriations each year. If no money is granted by the state to allow the commission to reimburse local governments, then the deadlines for preparation and implementation of the local coastal programs must be postponed. There is money for this year: more than $2 million in state funds and $1.3 million from federal grants, $600,000 of which will go toward reimbursing local government for planning activities. Commission staff member Charlotte Higgens feels that this sum plus the over $5 million promised for next year will be adequate.

Despite its problems, the new commission is working with perhaps the most important government asset — public support for coastal resource conservation. Last November, California voters approved a $280 million bond issue for coastal use — the only bond issue to receive voter approval in the November election. The bond act creates a conservancy which is authorized to buy up parcels of land and convert them into public lands or resell them in larger lots. Top priority will be given to providing public access to coastal lands and scenic areas and to providing access in heavily populated areas, so that the people will not literally lose sight of the ocean.

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CLOSET REPUBLICAN

Jerry Smith, state Senate's likely leader of the near future

By CAROL R. BENFELL

Anyone who claims political success through seat-of-the-pants navigation is usually a liar, a fool or both. But Senator Jerry Smith of Santa Clara County says he waits for a certain mental click before he proceeds on an issue, and it may pay to learn his system.

Ten years ago, Smith was an obscure law graduate with a wife and four children. Today, as a freshman senator, he is the author of the California coastal preservation law, a member of the powerful Senate rules committee and the author-designate of several major bills this year. Already, he is being mentioned as the obvious next president pro tempore of the Legislature's Upper House.

By helping to designate Senator Albert Rodda of Sacramento as chairman of the Senate finance committee, however, Smith made a political enemy out of his colleague from Santa Clara County, veteran Democrat Alfred E. Alquist, who coveted the finance post. Since that time, Alquist has been attempting to engineer a coup against the Senate leadership, including Smith.

Smith's rise has been so meteoric (plus he has such a forgettable name) that he is still something of an unknown in statewide political circles. In 1968, with only two years of law practice behind him, he ran for the Saratoga city council and won. Four years later, he was elected mayor of Saratoga despite the fact that he was a Democrat running in a Republican community. In 1974, he won a three-way Democratic primary for the right to face veteran Republican state Senator Clark Bradley. He defeated Bradley by almost 20,000 votes.

In 1976, he not only authored the compromise coastal bill, but also the Brown Administration's Conservation Corps measure, two major property-tax proposals and a constitutional amendment designed to boost the use of solar energy. Overnight, he became an author in heavy demand. His rise has won him the reputation of being the "right man at the right time."

Lover's eye, artist's touch

Smith comes to politics with a lover's eye and an artist's touch. He spots the tiny fluctuations in the political climate, the minor variations in the political landscape which most others would miss. Repeatedly, his eye for detail and his sense of timing have put him on the next rung of the political ladder.

The 40-year-old senator picked the Ruffo law firm in San Jose to begin his professional career. "It was full of young, bright people and I felt like I'd be at home," he recalled. "I'd made a commitment to politics, but I felt I'd have to make a living as a lawyer."

It was not accidental that Al Ruffo, ex-mayor of San Jose and a force in Santa Clara County Democratic politics, was the senior partner of that firm. Also working there were John Vasconcellos, soon to be an Assemblyman, and Marc Poché, on his way to becoming one of Governor Brown's closest advisors. Smith worked on Vasconcellos' campaign for the Assembly, and then on his own campaign for mayor of Saratoga. "I was naive in a lot of ways," Smith observed. "If I'd really thought about it, Saratoga was a bad choice. But it was where I happened to be a resident."

In 1968, Republicans outnumbered Democrats by two to one in Saratoga, and the town was dominated by retired military people and senior citizens. Then, professionals from Stanford University and engineers from expanding new electronics firms in San Jose discovered Saratoga. Within four years, the town population tripled from 10,000 to 30,000, with most of the newcomers mobile young professionals who had little in common with the older residents.

Smith ran his campaign as a young professional and an environmentalist — and walked the town from one end to the other with his family and friends. "It was an easy thing to do in a town of 30,000," he explains. "It was a fun way to enter politics. When you take on something you're not supposed to win, it gives you an advantage. You come to it with a different view — you're unique — you're apart from the crowd."

Once elected, Smith became an active, highly visible advocate for the budding environmentalist movement. He chaired the planning policy committee of Santa Clara County and fought for open-space preservation, hillside and baylands preservation, fair housing and a major role for local governments in regional and state planning. He also helped keep the city tax rate one of the lowest in the country. "I'm really a closet Republican, and I'm certainly not a Pavlovian Democrat. I'm good on civil rights, but I don't like big spending," Smith remarks.

During Smith's term in city government, Senator Bradley

The author is a member of the Capitol press corps.

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began to lose ground. In 1970, a relatively unknown Democratic challenger nearly unseated him despite the Republican tone of the district. Then came reapportionment by the state Supreme Court. The old Bradley district, which had been gerrymandered to circumvent Democratic San Jose and to take in surrounding Republican areas, was altered significantly. The new district had a smaller proportion of Republican suburbs and a great deal more of San Jose.

Smith announced his candidacy for the Senate seat even before the reapportionment was completed — six months, in fact, before any of the other contenders. He arrived in the Senate in 1975, during the shakedown period following a series of house-rattling battles between the Old Guard and Young Turk factions. The present President pro Tempore, James Mills, had won the job after promising to bring peace and harmony to the Senate. Mills' delicate touch gave ample room for a new senator to move ahead rapidly — in Mills' words, "to make as much of a contribution as he was willing to make."

Coastal bill inheritance

Smith's 11th-hour inheritance of the coastal-protection bill came at the climax of the 1975-76 session. The original SB 1277, before it became the coastal bill, was a modest attempt to stop CalTrans from cutting down the eucalyptus trees on the median strip of a four-mile stretch of scenic highway in Smith's district.

The bill pattered through the Senate and was resting peacefully in the Assembly with an assortment of other minor environmental measures when the Senate Finance Committee killed the conservationist-favored Beilenson coastal bill. The Sierra Club, prime backer of the Beilenson measure, saw Smith's eucalyptus-tree bill "as a lifeboat." "We needed a Senate bill, we wanted someone with environmental leadership and we were looking for somebody familiar with the coast," reported John Zierold, Sierra Club advocate.

Characteristically, Smith had approached the Sierra Club, Mills and Beilenson months earlier and offered his help, if it became necessary. SB 1277 was gutted and the Beilenson version of the coastal bill put in its place with some revisions and tightening by Smith and others. After weeks of marathon negotiations and an intervention by Governor Brown, peace was made with all the opposing elements and the bill was signed.

For all of his political acumen, Smith was a relatively late starter. As an undergraduate at Santa Clara, he majored in philosophy (the St. Thomas Aquinas variety), not political science. The commitment to politics came in 1961, when then-President John F. Kennedy spoke to an overflow crowd in Berkeley. "It was not so much what he stood for, but the idea of making politics legitimate as a way of meeting people's needs," Smith emplasized.

Estranged people

"Maybe every politician says this," continued Smith, "but I'm really troubled. People feel so estranged from all their institutions. It's not just government. I don't think it was this way 30 or 40 years ago. People may have been mistrustful then, but now they feel so distant. They are turning away from churches and their communities. They can't get rid of government but they can refuse to vote," he rued.

"People are angry," Smith said. "Their feeling seems to be, 'All right, all of you up there in Sacramento. I may send you back because I don't have much choice, but I'm angry about what is going on.' What do you say to someone who can't pay his property tax bill, or afford a vacation, when he's standing in the grocery line behind a kid with food stamps? What do you say about crime on the streets to elderly people who are afraid to go out? How do you answer these kinds of questions?"

Smith says he wants most to get to the heart of this anger and alienation, to see a sense of community again. "Sometimes it's scary, being on a winning streak like this. But I'm maturing, I have a better sense of myself than I've had before. I'll be able to take a reversal or a defeat . . . ."

"How have I done what I've done? Well, it's a sense of touch, of timing," he replied. "You can sense when you're in the same slot as your constituents. At some town hall meetings, I've gone without any real sense of a solution. Then, sometimes, a meeting will turn — you can tell it — and the room is with you, and you can vocalize what people are feeling."

The question is, how far can Jerry Smith travel in the political world by this method of flying.

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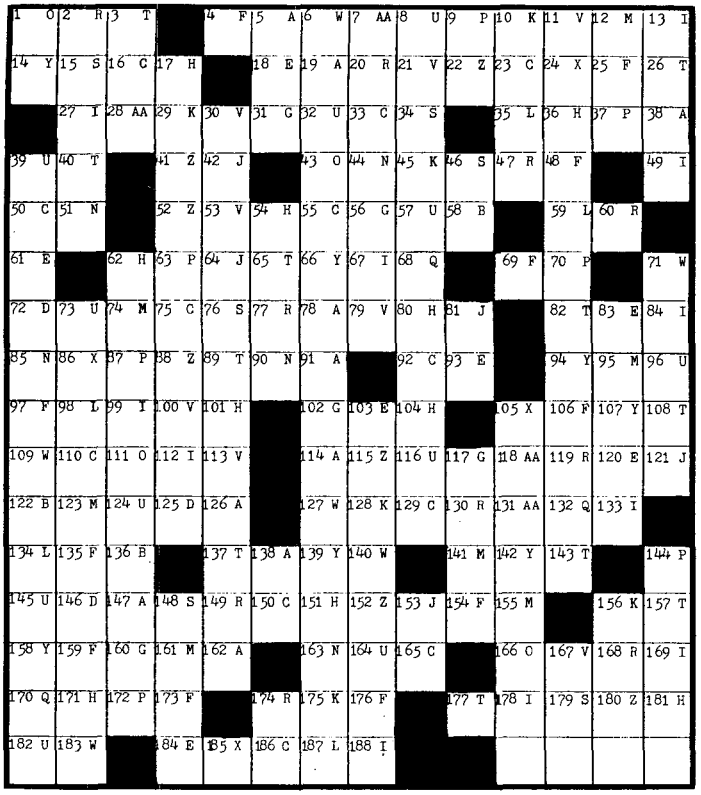
The Political Double-Cross

by Alisa Belinkoff



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Instructions: Although this looks like a crossword puzzle, the words read only across, not up and down as well. The solution spells out a quote from a book about California politics. Fill in the answers in the diagram. You may also work backwards, guessing at words in the solution and transferring the letters to the clue spaces. The first letters of the clue words, taken in order, spell out the author and title of the book from which the quote is taken. Most of the clues refer to the California political scene.

Solution next month

CLUES

A. Sally Stanford.
147 38 162 138 19
91 78 126 5 114

B. City Council seats up for grabs in L.A.
122 58 136

C. Southland "machine."
150 16 75 23 129 55
92 165 110 186 50 33

D. California's best-known politician (initials).
125 146 72

E. Hayden candidate.
93 18 103 83 184 120 61

F. Camarillo.
173 159 4 97 135 69 176
25 106 48 154

G. Where California's poor business climate really shows.
102 160 56 117 31

H. California's House Democrats.
181 151 54 104 80 171
17 36 101 62

I. Where land and water conflicts rage.
13 178 49 99 133
112 169 27 67 84 188

J. Pollster.
42 121 64 153 81

K. Latest group to suffer discrimination.
175 29 45 128 156 10

L. Descriptive term for rulers.
35 187 134 59 98

M. A law without sanctions has __ _____
123 74
12 161 95 141 155

N. "It's not the bus; ____ ___."
85 163 51 44 90

O. Where to get an AA.
111 1 43 166

P. See "V."
63 87 144 172 70 9 37

Q. Rule or ordinance, in Bureaucratese.
132 170 68

R. Unusual campaign timing.
168 149 60 77
2 20 130 119 174 47

S. San Bernardino assemblyman.
179 148 46 34 76 15

T. Campaign symbol, L.A.-style.
82 177 108 3
65 157 89 137 26 40 143

U. Forthcoming on the death penalty.
182 8 164 32 96 124 39
116 57 73 145

V. With "P"; turn-of-the-century "Octopus" of California.
100 30 11 79 167
113 53 21

W. Adjective for McComb?
183 109 6 71 127 140

X. Frosted.
185 86 24 105

Y. "D"'s first victim.
139 158 14 94 142 66 107

Z. Lucy and Frank's Mexican cantina.
115 88
152 22 41 52 180

AA. Campaign strategy.
7 131 118 28

Solution to last month's puzzle: A. **T**axes; B. **U**ser; C. **R**egine; D. **N**isei; E. **E**nd poverty in California; F. **R**ichardson; G. **P**ark; H. **O**ffice; I. **L**egs; J. **I**AM; K. **T**erminal for; L. **I**mage; M. **C**OG; N. **S**im Van der Ryn; O. **O**f stewardesses; P. **F**oliage in; Q. **C**ampanile; R. **A**lister; S. **L**NG; T. **I**f he goes; U. **F**rank Fat; V. **O**f Helena; W. **R**ubinstein; X. **N**ewport Beach; Y. **I**gloo; Z. **A**driana.

From Turner (and Vieg), *Politics of California*, page 47: "During the nineteen sixty four senatorial campaign, an official of the firm handling television bookings for Pierre Salinger remarked, 'As far as I am concerned, Pierre Salinger is a bar of soap, and we're going to sell him as effectively as we can.' "

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SOLAR-ENERGY CONFLICT AHEAD: UTILITIES VERSUS DO-IT-YOURSELFERS

By CLAUDIA FICCI

In 1970, the number of people who owned solar-heated homes in California might have been counted on the fingers of one hand. Today the sun's heat has been harnessed for over 100 structures in the state and the number grows rapidly. The debate over solar energy has changed dramatically from what it was even in 1973 when energy planners generally regarded solar enthusiasts as eccentrics. The argument in California today is not whether solar energy will figure in energy plans, but when it will begin to happen on a large scale and how big a share of the state's energy needs the sun can be expected to supply.

The facts and figures bearing on these issues vary according to who performs the studies. Likewise, the state's goals for using the sun have been markedly vague. It is only in recent months that the state energy commission has made serious attempts to identify how much of California's housing might be solar-heated by 1980.

The swift development of technology and interest in the sun has come about in spite of a lack of systematic effort. Some attribute the strength of the solar movement to its flexibility, allowing both physicists and backyard tinkerers to have a hand in designing for the sun. But the rapid maturing of solar energy raises serious questions about who will assume leadership in developing the technology further and who, in effect, will control the resource. Whether industry, the utilities and consumers themselves can share the costs and advantages of using solar is a fundamental issue. For resolution, many look to government to play the increasingly important role of coordinating the solar revolution.

Energy experts agree the technology for solar heating and cooling is ready for use. A report by the federal Energy Research and Development Administration (ERDA) says that when compared with electricity for heating in new houses, the sun is economically competitive. The ERDA study, performed in 13 cities across the country, predicts solar heating will compare favorably to oil and gas heating within four years — assuming a 10 percent increase per year in the prices of these energy sources.

Economic feasibility

The government's definition of "economic feasibility" is controversial, however, in that it is based on so-called "life-cycle costing," in which initial investment costs are averaged in with maintenance costs over the life of the system. Using this method, the ERDA study estimates that within 15 years, a solar investment would pay for itself in lowered fuel costs. Critics of solar energy argue that the high investment costs are a formidable stumbling block and will continue to keep solar out of the reach of most consumers.

Responsibility for developing solar energy in California lies principally with the Energy Resources Conservation and Development Commission, the single largest source of state funds for solar research and development. Its total budget for 1977-78 is expected to be about $1.2 million. Some of those working in the solar field believe that too little money has been spent on research and development of designs that are cost-effective and available today. In addition, the commission has been accused of merely paying lip service to the idea that solar will substitute for new electric power plants within the next decade.

Barbara Green, working at the Lawrence Laboratories in Berkeley, is one of the solar researchers financed by the energy commission. Last spring, she completed a com-

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prehensive case-study of 60 solar-heated buildings in Northern California. For many of these, she found the cost of materials and construction to be far below those normally quoted for hot water and space heating with solar. In some cases, costs were defrayed by the owners building their own. For others, the use of passive design — maximizing solar gains through south-facing windows, a slab floor, wall and attic insulation or other features — saved money. Although the study reached the commission in April, Green was disturbed to find that by August, the report had still not gained the attention of the commission's research and development team. Furthermore, she says, a contract to do virtually the same work she had completed was awarded to another research group in the state.

The fear of Green and others studying low-cost solar systems is that the commission will overlook how much has been accomplished by the do-it-yourself, low-technology approach and what it could contribute immediately to the state's energy needs. When the commission adopts its 20-year forecast for electricity needs in California, which it is mandated to do this year, the impact of solar energy for heating and cooling may not be weighted as heavily as it could be.

Consideration of solar

Jim Harding, special assistant to energy commissioner Ron Doctor, says the forecast now being considered "definitely doesn't have enough solar in it." The difficulty of predicting the impact of solar energy, he explains, is that there isn't enough known about the potential of passive design, how fast regulations can be written and whether a massive implementation of regulations can take place in the near future.

Further complicating the picture is the uncertainty of the state's natural gas supply. Without natural gas, says Harding, "you'll get a bump in electricity growth unless solar is available. This is why solar is so important and why the energy commission has to get involved in solar now." Using electricity for home heating, he says, "is hopelessly inefficient and . . . more expensive than solar. We have enough information now to require a massive use of passive solar energy."

Harding agrees with estimates by Green and others at the Lawrence Labs that solar energy could substitute for a large portion of the energy now obtained from natural gas. Harding contends that using the sun in a well-constructed, properly insulated building, can cut outside energy requirements for heating, cooling and hot water to near zero. In California, that amounts to 75 percent of the residential energy requirement.

In its first year of operation, the commission has been accused of being pro-nuclear and overlooking alternative energy sources and conservation. This is the point of view articulated by state architect Sim Van der Ryn, who has spent a good part of the last eight years learning and teaching the basics of designing solar systems and other energy-conserving facilities. Since his appointment as state architect in 1975, Van der Ryn has determinedly spread the word about renewable energy resources and the importance of moving away from heavy dependence on fossil fuels. Last year, Van der Ryn, working with environmentalist John Hammond, completed plans for a state office building which will rely almost exclusively on the sun for light and heat.

In addition to the construction plans, Van der Ryn has been working through the state Office of Appropriate Technology to train workers to design, build and install solar hot-water collectors in state-owned apartment buildings. Through the 11-month program, funded jointly by a federal grant and matching funds from the Office of the State Architect, Van der Ryn hopes to demonstrate that solar energy can be a labor-intensive resource that would create jobs for the untrained and unemployed.

Commission appointment

Van der Ryn is optimistic about the appointment of Gene Varanini, former aide to Assemblyman Charles Warren, as one of the five energy commissioners. "I think the energy commission is getting better," says Van der Ryn. "The first two years were disappointing, but maybe people expected too much." He points out that the commission has been plagued by the problems of "a bureaucracy that grew too fast."

As commissioner Varanini sees it, the agency has a problem with solar energy because of "disjointed efforts to do a lot too quickly." Many of the commission's demonstration programs, like last year's "Solar Switchboard" set up at San Jose State University to answer questions about using solar collectors, have been "peripheral, with no unifying theme," comments Varanini. He and commissioners Doctor and Richard Maullin have set ambitious targets for the solar program: to have 50 percent of the new housing stock and 25 percent of existing homes using solar energy for water and space heating by 1980.

To achieve these goals, Varanini anticipates an appeal to "utilities, small inventors, banks and the FHA." He expects help from the California Bar Association in resolving questions on sun rights, and advice from developers in setting mandatory building standards. The upshot will be presenting the Legislature with a package of bills "to get from here to there," Varanini says.

Past legislation to encourage solar energy has not fared well, however. Of 26 bills proposed so far, measures aimed at financing solar installation or establishing tax exemptions, only six have won approval from both legislative houses. Two of those made it to the November ballot as Propositions 3 and 12, but failed to win voter approval.

Varanini is bristling for a change in the temper of the

Roster additions and corrections

The following additions and corrections to the **1977 California Journal Roster and Government Guide,** *published in last month's issue, should be noted:*

Executive branch

Add to Independent boards and commissions: Health Facilities Commission, 555 Capitol Mall, Room 525, Sacramento 95814. (916) 322-2810.

The State Scholarship and Loan Commission has undergone a name change to the Student Aid Commission.

The Department of Conservation and the Department of Forestry have undergone a separation. The conservation address is 1416 9th St., Room, 1335, Sacramento 95814. (916) 322-7683.

Legislative branch

The district office for Assemblywoman Maxine Waters is at 7900 South Central Ave., Los Angeles 90001. (213) 587-7371.

The correct district-office telephone number for Assemblyman Art Agnos is (415) 557-2253.

The new district-office address for Assemblyman Joe Montoya is 3617 Monterey Ave., El Monte 91731. (213) 443-6125.

The new district-office address for Assemblyman Richard Robinson is 12311 Chapman Ave., Suite 210, Garden Grove 92640. (714) 530-7200.

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Solar technology, hard and soft

For some, the mention of solar energy brings to mind a stretch of desert sands laced with high-power collecting mirrors, or sun-charged radio satellites aboard vehicles floating in space. To others, solar energy means a novel swimming pool heater or a roof or murky windows and louver doors to trap the sun's rays.

Others don't think of gadgets at all. To them, solar energy suggests insulating the walls and attics of old homes so they use less energy, and designing new buildings with south-facing windows, dense walls, and overhangs. The truth is, solar energy is all of these ideas, and many more. Some of the disagreements and confusion over the costs, feasibility and strategies for putting the sun to work arise because there is a wide array of technologies within the solar alternative.

Generally, those uses for solar energy that involve more sophisticated hardware, like photovoltaic cells to convert sunlight into electricity, also require more time and money for development. As a result, the practical application of "hard" technology lags.

There are ways of using the sun with only simple and well-tried materials and techniques. These "soft" applications, which include many of the passive designs for space and water heating, are available today and are being used with increasing frequency. Most experts agree, however, that it will be years before central power plants — generating electricity from intense concentration of the sun's rays on mirrors — replace conventional plants fueled by oil, gas, and nuclear reactions.

The nation's first experimental solar-electric power plant, with a capacity of 10 megawatts, will be built by the federal government next year in Barstow, California, at a cost of $100 million. If the pilot projects shows solar-electric generation to be feasible, a larger plant will be built within a decade.

energy commission, calling for "a very tough, healthily skeptical perspective. We're going to assume a regulatory posture, putting technology on trial. Costs and benefits will have to be proved."

The first step will be a series of hearings conducted jointly with the Public Utilities Commission and representatives of utilities "to find out what are the impediments, the real versus the articulated problems" with the solar alternative. The two commissions have asked for progress reports on utilities' solar projects now in operation or in the planning stage. Some efforts include solar demonstration homes, equipment testing and monitoring and the development of information brochures.

Estimating and comparing costs is high on the list of objectives for the solar hearings. Cost-estimates for solar installations are particularly elusive because of the wide variation in design, material and climatic conditions. For passive systems, costs are even harder to figure because the solar facility is the building itself. Everything from heating ventilators to wall paint is technically part of the estimate. The best that can be hoped for is a range of costs. "Cost-benefit" relationships comparing solar with other forms of energy are critically dependent on assumptions such as the future prices of other energy sources — oil, gas, coal and uranium for nuclear plants — and the interest rates for borrowing money.

As the commission begins to grapple with costs and financing strategies, a more fundamental issue must be debated. Should the utilities be given exclusive rights to own and install solar collectors? The thinking within the two commissions seems to be that utilities can neither be excluded from the solar market, nor should they be given a monopoly over it. One strategy under consideration calls for the utilities to form profit-making subsidiaries that would own, install and maintain solar collectors.

Exciting alternative

The energy commission is aiming for measures that would "let the people do it," by assisting homeowners with the high first costs associated with solar devices. Low-interest loans, direct subsidies and reduced utility rates for customers using solar equipment are possibilities. For homeowners who are reluctant to invest in solar collectors for fear of increasing the assessment value of their homes, property tax exemptions might be employed.

A number of Californians are excited by solar power specifically because it offers an alternative to gas and electric utilities. These people envision a solar-dependent society as a decentralized one in which neighborhoods satisfy their own energy needs with minimal dependence on a central power source. A pluralistic energy network has advantages: greater reliance on renewable resources such as the sun, wind and recycled vegetation; more efficient matching of energy sources with end use needs; and more use of low-technology devices that can be understood by the people who rely on them. People would gain more control over meeting their energy needs.

Utility ownership and leasing of solar equipment does away with these advantages. Those who are enthusiastic about the potential cost savings from low-technology solar systems fear that utility involvement would, as Van der Ryn says, "prevent people from realizing cost savings and put these companies in the position of owning the sun. It's good for the utilities to get interested in conservation and solar," he remarks, "but their role in pricing alternate forms of energy has to be looked at."

Energy planners recognize the value of letting consumers receive the benefits of direct involvement with solar energy, but they also are skeptical that local communities could compete with utilities in supplying energy. The utilities have years of experience with energy technology, they argue, and can borrow money at better rates than private groups can. Using solar systems for thermal applications, they continue, isn't going to provide customers with electricity for appliances, so people would still have to be dependent on utility service.

The interest and enthusiasm generated in recent years by small inventors and do-it-yourselfers working on shoestring budgets is ample evidence of the concern for how solar resources are developed and controlled. The sun promises an energy supply that not only is safe, clean and renewable, but also is readily accessible and capable of being used in countless low-technology designs. Regulations that would bottleneck individual creativity in solar designing and building probably will meet stiff resistance.

Extensive use of solar energy is coming — the questions now are how and when. Government's challenge is to establish ground rules so that the sun's heat can be harnessed by both utility companies and individual initiative, and to provide financial incentives to bring solar technology out of the novelty stage and into the mainstream of California's energy supply.

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THE BATINOVICH-ROSS-GRAVELLE LIFELINE

Brown's PUC majority and the utility-rate revolution

By Lynn Atwood Hoff

Richard D. Gravelle joins the ranks of the five appointed decision-makers who have more impact on where Californians' dollars go every day than most elected officials. The former chief legal adviser of the state Pubilc Utilities Commission (PUC) was appointed to the vacant spot on that body.

Governor Brown's new appointee will help make decisions such as: how much you pay to heat your home, cook your meals, keep the lights on and call your cousin in Modesto; what the moving-van company can charge you; what to do about unpredictable water service; the price of a Southern Pacific or Greyhound ticket, and whether there's a choice of airlines to your Tahoe vacation.

The money at stake? The PUC regulates approximately $12 billion in state commerce — only $3 billion less than the entire state budget.

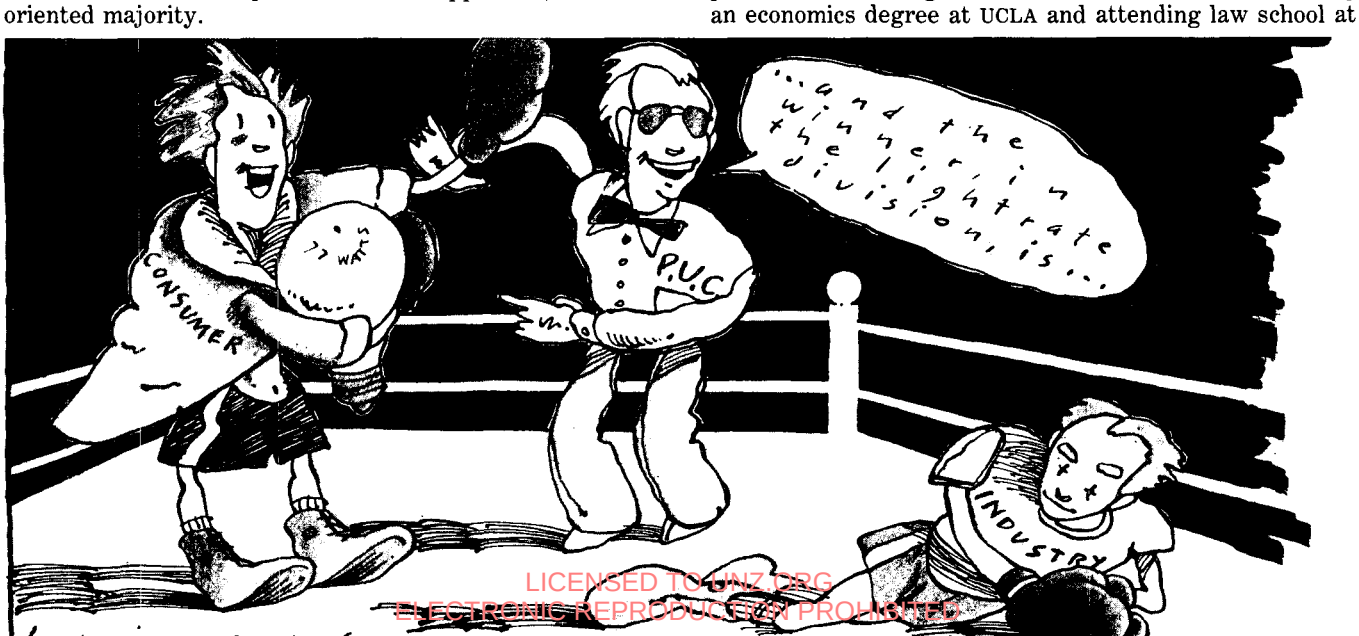
At year's end, the conservative legacy of the Reagan Administration was broken when the term of Reagan-appointed commission president David W. Holmes expired. The remaining Reagan appointees are two former Republican state Senators, Vernon Sturgeon and William Symons Jr., whose terms extend through 1978. Leonard Ross and Robert Batinovich, both appointed soon after Brown assumed office, will serve another four years. Gravelle, an independent who was previously a registered Republican, was appointed to a full six-year term.

Gravelle's appointment to the $37,920-a-year post was greeted with enthusiasm by fellow employees who find him informed, committed and fair. Gravelle spent 17 years with the commission starting as a legal assistant and progressing to trial counsel, hearing examiner, supervising and trial attorney and, finally, the general counsel. He joins Ross and Batinovich to make up a 3-2 Brown-appointed, reform-oriented majority.

The contributions of Ross and Batinovich were felt even while they constituted the commission minority. The two brought a hard-nosed, iconoclastic approach to a commission whose critics charged the utilities' wishes were rarely questioned during the Reagan era. With an occasional assist from Holmes, Ross and Batinovich began radical surgery on requested rate increases — reducing San Diego Gas and Electric's 1975 request by 75 percent, for example. They tangled with the Federal Power Commission (FPC) and came out on top. According to a late 1975 ruling, the FPC permitted California gas utilities to charge customers a total of $1 billion to finance the development of natural gas even though the gas in question might end up sold to another — higher — bidder. After Ross led a heavy lobbying campaign, the FPC reversed that decision. Some observers say the historic "lifeline" gas and electric pricing system was due as much to the two Brown appointees as to the intense legislative campaign to pass the 1975 Miller-Warren Lifeline Energy Act.

In 1977, Ross and Batinovich say they will emphasize intelligent conservation of energy, continuing to keep power costs down for frugal families, a radical examination of how much truckers charge and a shakeup in regulating small private water companies. In short, a faithful application of the old-fashioned American competitive ethic.

The virtues of competition are not lost on Leonard Ross, Brown's first PUC appointee. Ross is a restless young economist-lawyer who has packed a lot of achievement into his 31 years. One of the youngest commissioners ever appointed, Ross began public life at age 11 by winning the jackpot on the television quiz show, *$64,000 Question*, based on his precocious knowledge of the stock market. After obtaining an economics degree at UCLA and attending law school at



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Yale, Ross taught courses in regulatory policy at Harvard and Columbia law schools. He served as co-director of the Twentieth Century Fund Project on California Budget Priorities and advised Brown in setting up his 1975 budget.

'Botched System'

"A poorly enforced, easily evaded botch of a system," is how Ross describes the PUC's patchwork of regulations on trucking. In a recent magazine article, Ross charged that "consumers don't have the vaguest idea they are victims of a $200 million ripoff ($40 per year for every family in California) through collusive regulation because the costs are hidden in the price of every can of orange juice or sack of potatoes."

The PUC got into the business of telling truckers where they could go and what they could charge because its original purpose, when formed in 1911 as the Railroad Commission, was to stabilize a ruthless rate war among state railroads As the proportion of freight carried by trucks grew, the commission's jurisdiction expanded to cover them, as well as privately owned power, gas, water and telephone companies and intercity passenger carriers. The architects of the state's utility laws knew that over-proliferation of these public services would be wasteful, so they put restrictions on market entry and on prices. A utility won't fold from competition but — in exchange — its profits are monitored to stay within the "reasonable" range.

When Ross speaks of "collusion" he isn't accusing any specific person or group of conspiracy. But he says the PUC is in the business of enforcing "minimum" trucking rates that vary with the commodity in question — and that those "minimum" rates are considerably higher than necessary to get the job done. The result: some trucking concerns build useless railroad sidings so they can take advantage of a PUC technicality and charge the lower rail rate for freight. Truckers can earn enough traveling one way to cover their costs of returning empty.

Delay tactics

This is "a tremendous amount of social waste," Ross says. "There's a squandering of resources, a less-than-healthy trucking industry and higher consumer bills." Only Los Angeles area consumers showed interest when a proposed rate increase of 8.6 percent for household goods movers came up for hearing last year. The PUC's decision was delayed almost a year, but the increase recently was granted.

Delay has been the commission's oblique method in recent months to keep the "minimum" rates from increasing. In mid-1975, Batinovich, Ross and Holmes prevailed over the other two commissioners in a decision to raise rates temporarily for the California Trucking Association — in exchange for the total disappearance, six months later, of enforced official minimums. Instead of abiding by PUC-imposed prices, truckers were to set their own rates and simply put them on public record with the commission, as cross-country truckers now do with the Interstate Commerce Commission (ICC).

It didn't work. Entrenched trucking interests convinced the commissioners that the new regulatory program was unacceptable, and the decision was withdrawn. "We have the worst regulation of trucking anyone can possibly imagine," says commissioner Batinovich. "The staff feels that trucking interests practically run the commission."

Batinovich, a large, silver-whiskered bear of a man with seemingly limitless energy and a determined open-door policy, is a strange mix of consumer advocate and no-nonsense businessman A Brown campaigner in 1974, Batinovich, 40, made the Nixon enemies list. He has managed a diverse variety of enterprises, most recently a photocopy-machine company. In December he was elected the new PUC president.

Lifeline prices

According to PUC staff engineers, a household using the maximum lifeline quantities under December 1976 rates would pay the following:

	Electricity	General purpose gas	Gas for home heating
San Francisco (PG&E)	240 kwh $ 7.63	26 therms $4.81	80 therms $11.69
Fresno (PG&E)	240 kwh $ 8.21	26 therms $5.13	80 therms $11.58
Los Angeles area (Southern California Edison)	240 kwh $11.65	26 therms $6.45	55 therms $6.51

(These figures assume a home in which hot water and home heat are supplied by natural gas. The heating allowance applies only from November through April. Rates would differ in different localities.)

Trucking regulation seems almost a matter of personal passion for Batinovich. Last year, he says, he visited seventeen trucking terminals in the early morning hours and talked with about 2,000 Teamsters to get a first-hand view of freight transport. Batinovich received a wordy letter from Joe Kasper, head of the California Trucking Association, implying Batinovich's visits were insufficiently impartial for a commissioner. Instant notoriety was the result when the San Francisco *Chronicle* described Batinovich's one-word reply, a scatological expletive.

"Intellectually dishonest rubber stamping," Batinovich says of current PUC scrutiny of trucking rate orders. He and Ross plan to re-examine the rationales, if any, behind ICC and PUC policies. Many commodities, such as some raw farm products, are exempt from federal but not state regulation. Ross wants to require truckers to show that any lower tariff would be legally "predatory" before the PUC will grant an increase. As backup, the commissioners have the newly published California Transportation Plan, which recommends a gradual phase-out of controls on pricing and market entry. This session's Legislature may well change the present regulatory pattern. Senate President pro Tempore James Mills is known to favor a lessened state role in freight price control.

Thorny controversy

Politically, the controversy should be one of the thorniest in memory since it would take away what freight carriers see as rightfully theirs and raise the specter of union-busting and unemployment. Tom Herman, president of Delta California Industries, parent company of trucking firm Delta Lines, says Delta earns only one cent on each dollar of freight it ships in California. Teamster labor accounts for about 75 percent of its expenses. "When we're so close on margin now, we'd have to cut labor" in order to compete, Herman says. "Deregulation is aimed right at the heart of the Teamsters." Herman suspects a Brown Administration vendetta against the Teamsters as a result of the union's rivalry with the United Farm Workers.

Batinovich aide Pat Power vehemently denies the charge. "There are 49 other states without minimum rates," Power says, "and those 49 other states have Teamsters." Herman thinks the public would never feel the price effects if minimum rates were abolished, "but they'd sure feel it in lost wages" if drivers were laid off. Outlying areas will end

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up with much higher shipping costs than those in urban corridors, he predicts.

"Higher costs," although it sounds paradoxical, is also a theme song for industry hit by the PUC's "lifeline" decision. Lifeline's underlying concept was to alter a price structure which charged less per unit to a large user of electricity and gas — a structure which did nothing to discourage waste but did seem to penalize those with small power requirements. In September 1975, the PUC defined lifeline amounts of electricity and gas, depending on factors such as where you lived and whether gas only cooked your food or also heated your home, and stated that these rates could not rise until rates for all power customers had risen at least 25 percent over their January 1976 levels. That decision covered only Pacific Gas and Electric customers. In July 1976, as required by the Miller-Warren act, the PUC set up statewide lifeline schedules. Rates are affected by geographical location, elevation and cost of fuel.

Symons and Sturgeon voted with their three colleagues to approve lifeline, but only because the Legislature had mandated the shift, they said. Higher consumer prices were sure to result, in their judgment, because industry's share of the energy bill was now greater.

Mother-in-law story

"It's like watching your mother-in-law drive off a cliff in your Cadillac," Bob Burt, spokesman for the California Manufacturers' Association, says about the PUC's policy aims for lower trucking rates and higher industrial power bills. Burt contends that industry now subsidizes lifeline gas users, who are charged only 90 percent of their cost of service, and low-volume electricity users, served at or near cost. Hence almost all the utility's profit comes from industry's pocket. Burt thinks it is unfair that all residential customers pay lifeline rates for their first units of electricity or gas. The low rates, he thinks should be restricted only to those who stay within the limits.

"That's red-baiting. Scare tactics," says Joann Clayton of San Francisco, who headed the Consumer Action group that pushed for adoption of lifeline. "They're not running industry into the ground to subsidize residential users. Lifeline didn't pare the bills that much. Besides," Clayton says of the old pricing policy, "why should residential customers subsidize industry for some product that they may not even want to buy?" Batinovich adds it is nothing new for one group of utility customers to subsidize another — for example, inner city residents whose rates years before paid off the power plant that supplies their electricity, now pay the same for service as suburbanites with a brand new, vastly more expensive power plant.

Currently, PUC staffers say, lifeline consumption accounts for 50 percent of electric and 60 percent of gas sales statewide. In San Francisco, says PUC engineer Don Houck, 30 to 60 percent of PG&E's customers use 300 kilowatt-hours or less per month. But with rate increases approved at year's end, both electric and gas rates for non-lifeline users were approaching the critical 25 percent increase over the base 1976 figure — which means the PUC must now decide whether and how to raise lifeline rates.

Lifeline was not designed just to make heating and lighting affordable for lower-income families. It also was meant to emphasize another relatively new PUC policy that will provoke a lot of talk: conservation. The September 1975 decision told utilities to "get out of the growth business," as Ross puts it. The "vigor and imagination" of conservation efforts will be a significant factor in deciding future rate increases — and criteria will not be as simple as "how good a conservation trailer they had at the county fair," says Ross. He suggests the number of homes insulated or the number of factories visited by conservation teams would be reasonable yardsticks. The goal is "keeping people warm," Ross says, "not burning natural gas."

Batinovich's plans

Batinovich plans, as president, to focus considerably more PUC attention on private water utilities. The commission does not regulate municipally owned services such as Los Angeles Water and Power or the various transportation districts. But it does oversee six to seven percent of state water utilities. Batinovich wants Citizens Utilities — headquartered out of state, and accused repeatedly of inadequate service to 40,000 customers in its widely scattered locations — to clean up its act.

Some critics of the commission charge that in its zeal to examine a utility company's record, it will often delay a valid rate increase for months. "Regulatory lag" was the subject of a 1975 probe by the Assembly's Committee on Finance, Insurance and Commerce. A bill to permit automatic rate increases under some conditions passed the Assembly but died in a Senate committee last year. The Federal Power Commission supervises such a system: increases are granted first and investigated later, with refunds to customers if necessary. But a final FPC ruling may take five years, as in the case of several California cities that recently refused to pay their PG&E bills. These cities buy power directly from the utility, paying FPC-ordered "large user" rates, and re-sell it to their residents. Customers in Alameda, as a result, pay about twice as much per kilowatt-hour as those in neighboring, PUC-regulated Oakland. The cities are taking the FPC to court.

To help speed the regulatory process, the PUC in April 1976 adopted an energy cost adjustment clause, under which a utility reports every six months on the total cost of its energy. Customers receive refunds if the company had to spend more than projected.

Under this arrangement, last November Pacific Gas and Electric had undercollected $144 million and Southern California Edison had collected about $8 million too much, according to Batinovich. He suggests, and in fact has begun a PUC staff study, that the entire amount of such refunds (as well as those resulting from FPC policy) go to residential customers and none to industry. Manufacturers, he says, have already recovered these costs from increased market prices. Batinovich hopes for a court test of the proposal.

Have consumers been getting too much attention from the PUC? Utility company management and stockholders paint a grim picture of firms starved for capital. Not one major California utility (with the exception of San Diego Gas and Electric, after an extensive management shakeup) has been earning up to its PUC-authorized rate of return on capital. The stock of electric utilities nationwide has recently been selling at 106 percent of book value; the average for Pacific Gas and Electric, San Diego Gas and Electric and Southern California Edison has been 81 percent. The PUC must contend this year with a new group, the 2600-member, San Francisco-based California Association of Utility Shareholders, which will try to counter pressure from consumer groups such as Consumer Action and Toward Utility Rate Normalization.

With the addition of Gravelle to the commission, 1977 should see the reform trend continue and grow stronger despite the advent of the utility shareholders' group. All in all, it doesn't augur well for an improvement in California's business "climate," but the consumer might get a much-welcomed break.

The author wrote the "Liability Insurance panic" in last October's Journal.

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A STUDY AND PERHAPS A TASTE

The reluctance to savor Campbell's sunset soup

By LEAH CARTABRUNO

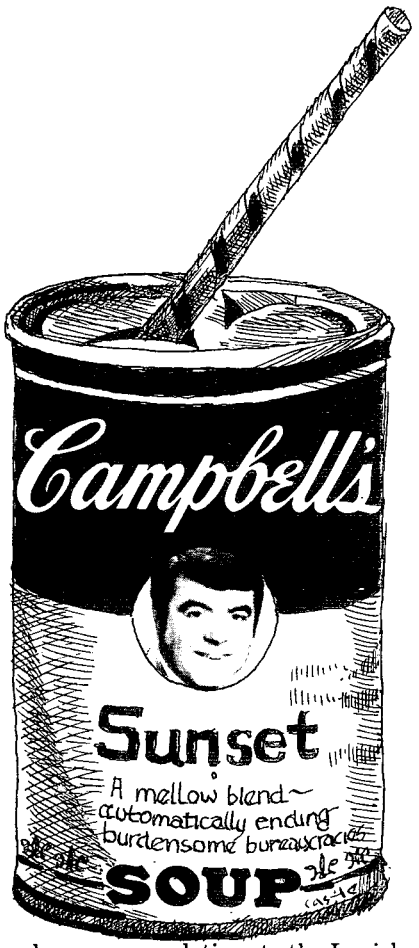
Increasing property and income taxes, the Watergate and South Korea scandals, and rampant inflation have generated a high level of voter disgust with government. Voters have turned on their elected officials and demanded that they do something. True to the pecking order, elected officials have turned on the bureaucrats for being arrogant and unresponsive.

When it comes to the actual running of California's government, the "arrogance of power" has transferred from the elected elite to the appointed elite. It wasn't a formal delegation of power, it was an abdication. The Legislature is realizing it may have created a Frankenstein monster.

A flurry of "sunset" bills, or variations on that theme, have been introduced this year to try to regain control over the sprawling bureaucracy. The term "sunset" refers to the termination of an agency if, after examination, its existence cannot be justified. There are three main approaches being considered. Senate President pro Tempore James Mills' resolution, SCR 3, calls for the legislative analyst to study the desirability of such a law and the possible forms it could take. It requires a report back to the Legislature by January 1978.

Different approach

Another approach, backed by Common Cause, is embodied in SB 5 authored by state Senator Omer Rains. In essence, it calls for a pilot project using the Department of Insurance as the guinea pig. Rains' bill would make the secretary of business and transportation responsible for evaluating the insurance department according to criteria specified in the legislation. That report would be transmitted to the governor by June 1978, and the governor in turn would submit it to the Legislature by September 1978. The legislative analyst would have until December 1978 to study the report and make recommendations to the Legislature.



The third approach is employed in one of a package of bills sponsored by Senator William Campbell, who introduced the first sunset bill last year even before the enacted Colorado legislation, the first in the nation, was drafted. Campbell's SB 62 sets a five-year period in which the Legislature, through its policy committees, would examine the purposes and workings of each state agency. To stay in existence, the agency's life could be extended up to five years by a resolution adopted by both houses.

The other two measures in Campbell's package, SB 63 and SCA 8, call for all agency regulations to be submitted to the Legislature, which would have 30 days to either approve or disapprove the proposed rules. If no action were taken in the 30-day period, the regulations would go into effect.

Campbell was inspired to introduce the bill last session after repeated attempts to help a number of constituents with problems. "I had just hung up the phone with one particularly difficult appointed official," recalled Campbell, "when out of utter frustration, I banged my fist on my desk and muttered, 'Those damn bureaucrats have more power than I do'." His sunset bill was submitted shortly after that. "We can recall the governor or any other elected official," continued the senator, "but we can't touch any of these people on commissions unless they commit a felony. That elitist group is removed from the electorate."

Another reason given for the enactment of some form of sunset bill is reduction in the cost of government. Much of the funding of boards and commissions goes for salaries and benefits. When operating costs are added, it appears as though a dent could be made in reducing the size of government.

But can the sunset bill, even coupled with a regulation approval measure, bring power back into the hands of the Legislature and reduce the size of government significantly enough to affect tax rates?

Drastic treatment

Calling the sunset approach with its automatic termination date a "drastic form of treatment," Legislative Analyst A. Alan Post is pulling for the passage of the Mills resolution calling for a study. Post has studied the different approaches taken by the other states that now have such laws. In Louisiana, for instance, the sunset concept is accompanied by zero-based

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budgeting. Post feels the parameters, methods, criteria and instruments for evaluation must be decided by the Legislature before it institutes the concept. In other words, how much will undergo scrutiny, by whom and what criteria will be used?

The most significant change a sunset bill would make, in Post's opinion, is a major shift in the burden of proof in deciding whether an agency should exist or not. Under current methods, it is incumbent upon the advocate of abolition to demonstrate that the agency is not doing the job. Under a sunset concept, it would be up to the agency, or its friends, to make the case that it is performing and efficiently. It is not inconceivable that, under a sunset law, only those agencies with powerful and influential friends would be "saved."

One knowledgeable lobbyist said that if the Legislature were really sincere about cleaning house, it has the power through budget pressures and law-writing ability to abolish or restructure everything except constitutional agencies. Commented the lobbyist, "They could do most of the job right now. All they need is the will to do it."

Post looks at the introduction of these bills as an opportunity to educate people on what can be done and for facing up to making decisions. He admits that a lot of the evaluation already takes place in his office and, to some extent, in the auditor general's office. He says this concept is not going to change his job "one iota." He pointed out that this is not a new concept and that, starting with William O. Douglas, under Franklin D. Roosevelt, it has been argued that regulatory agencies need shaking up now and then because they become captives of the industries they are supposed to regulate.

Common Cause's view

A different line of reasoning was advanced by David Arthur, Common Cause's Sacramento representative. While the organization supports the Mills study, its main support is for Rains' SB 5, complete with the pilot study. Common Cause is opposed to a full sunset bill being enacted because, while the "new concept promises a lot, there are a lot of questions." "It covers too much," says Arthur. "It has great potential, but it should be phased in and tried out first." He cited the amount of time that would be involved, complaining the Legislature could spend half its time on evaluating programs.

Why the Department of Insurance as the guinea pig? Arthur offered first that you have to start someplace, then conceded that there is some question as to the department's performance during the malpractice crisis, that everyone has insurance, and that the state failed to enact no-fault insurance and that part of the department's role should be innovation. Arthur says the central objective is to determine how well the agency serves the public rather than the industry.

Last year, Campbell's bill had the support of the state Chamber of Commerce, the Canners League and a number of newspapers. The *Los Angeles Times* favored the concept. This year, Campbell claims 33 legislative co-authors at the starting gate. The California Manufacturers Association and a coalition of labor groups (the State Building and Construction Trades Council, the United Steel workers, the United Auto Workers and the Teamsters) issued a 14-point legislative program which endorsed the sunset proposal in general. In addition, the joint industry-labor coalition strongly supports the legislative review of proposed administrative regulations.

Campbell feels the problem is apparent and that to suggest a study is absurd. But he admitted that, other than the legislative review of proposed regulations, the power is already there to accomplish the same goals as his sunset bill — but the impetus isn't. "As a member of the minority party," said Campbell, "this is one of the ways to spur the majority party to action."

NEWSMAKERS

The new leaders

Both the Democratic and Republican parties selected new state leaders in Sacramento conventions. The Republican meeting was a tame affair, with **Mike Montgomery** of South Pasadena advancing routinely from vice chairman to chairman, and **Truman Campbell** of Fresno winning the vice chairmanship. Both are conservatives, and Campbell is the party's prospective leader for 1980. The Democratic convention elected **Bert Coffey** of Richmond as chairman, 705 to 503, over **Fred Furth** of San Francisco. In the other major contest, **Bruce Corwin** of Los Angeles defeated **Richard O'Neill** of Orange County, 387 to 347, for southern chairman.

Ralph Andrews, the only Republican contender in the March 8th special state Senate election to replace Congressman **Anthony Beilenson** underwent heart surgery, virtually eliminating him from active campaigning. This gave Assemblyman **Alan Sieroty,** a Democrat, a clearer shot than ever for the seat. But Republican leaders said they would pour resources into the district in an effort to defeat Sieroty .... State Treasurer **Jesse Unruh** is again considering a run for the Assembly, where he served almost eight years as speaker. Earlier, Attorney General **Evelle J. Younger** announced that Unruh would not be prosecuted in connection with the $10,000 he received in a complicated 1974 transaction involving **Dr. Louis Cella,** who has been convicted of fraud, conspiracy and income-tax evasion.

A. Alan Post

Legislative Analyst **A. Alan Post,** 62, one of the most influential figures in state government, announced that he will retire this September after 28 years of service as chief fiscal adviser to the Legislature. **Carol Brosnahan** of Berkeley resigned as a member of the state Fair Political Practices Commission. She said she needed more time for her job as senior supervising attorney with the Continuing Education of the Bar .... **Ronald Doctor,** an outspoken critic of nuclear power, was reappointed to the state Energy Resources Conservation and Development Commission by Governor Brown .... **William E. Forbes,** president of a Glendale music corporation, resigned one year early from his 16-year term as a University of California Regent for personal reasons.

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DOES LOCAL GOVERNMENT PICK UP THE TAB?

When CETA funds stop: Certain Employment Trouble Ahead

By Robert Joe Stout

According to the *Washington Post*, as the year 1974 was ending unhappily for thousands of the nation's jobless, the dictum from the White House was: Keep the unemployment rate below nine percent — or else! In a hectic burst of cooperation, Democratic Congressional leaders and the Republican Administration added a new federally subsidized public employment act — CETA — to create jobs for 400,000 Americans. (CETA is the acronym for Comprehensive Employment and Training Act and now includes seven separately organized, and sometimes conflicting, programs.)

Of the 400,000 public service employment jobs created nationally, California received approximately eight percent, or 32,000 positions. Through existent channels, eligible unemployed Californians were put to work as firemen, secretaries, sheriffs' deputies, surveyors, schoolteachers, janitors and laborers. Most of them still are working for public agencies within the state. Though the emergency act did not curtail unemployment those first months of 1975, it did enable many local governments to continue to provide services without raising tax rates.

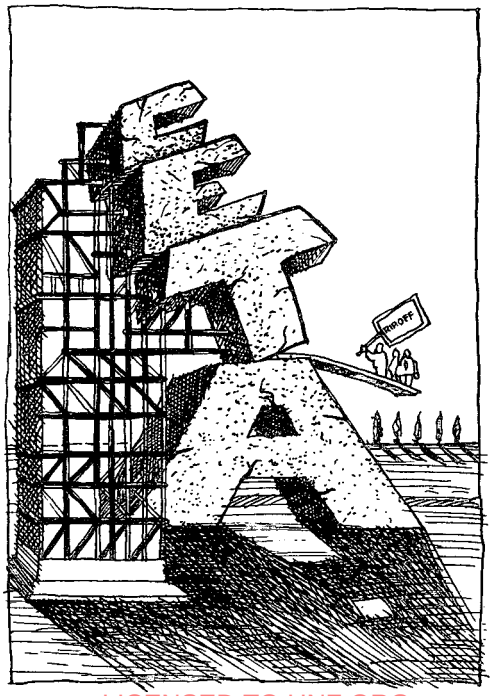
CETA's biggest immediate impact was upon law enforcement. Today, federally backed CETA programs underwrite one out of every twenty police officers, stenographers, probation officers, file clerks, lab technicians, counselors and jail attendants in several of California's larger counties. Several hundred lawyers would be unemployed if CETA had not been created for prosecuting attorneys and public defenders. CETA truck drivers, mechanics — even helicopter pilots — cleared northern California of abandoned and junked autos. The resurveying of county boundaries was accomplished by federally funded CETA personnel. And an influential percentage of California's teachers' aides and classroom assistants draw their salaries because of CETA.

The author is a free-lance writer in Chico.

Blind agreement

Unfortunately, both the local agencies accepting CETA help and the Department of Labor's San Francisco regional office entered into this program somewhat blindly. The Department of Labor (DOL) quickly set goals and established guidelines to control the manner in which the money was to be spent, but various officials within the department held conflicting philosophies about public service employment and ways in which it should, and could, alleviate unemployment. Two stated, though not necessarily complementary, goals were:

- *the training or retraining of unemployed men and women, particularly those from minority backgrounds, to make them competitive middle-class consumers, and*
- *to bridge a temporary severe employment gap by providing a variety of federally funded jobs with public agencies and non-profit organizations in the areas showing the highest unemployment statistics.*



When CETA went into operation in 1974, nearly 40 separate governmental sub-entities, each with separate ideas and needs, was set to receive funds. Youth programs were incorporated into CETA and an in-school program for teen-aged children from disadvantaged homes was established. Thousands of marginally employable Californians were placed in minimum wage "training" jobs.

Whether work-experience hiring successfully trained the hard-to-employ is debateable. Some CETA administrators, such as Annetta McLafferty in northern California's Butte County, claim that it provided a groundwork for previously unemployed and inexperienced workers, particularly high school drop-outs from low-achievement backgrounds. Many were phased into regular jobs by their employers. In urban areas, particularly Los Angeles, CETA provided ghetto teenagers with their first regular employment, thus breaking patterns and altering what otherwise might have become a decline into delinquency.

But critics of the program contend that short-term employment doesn't solve anything. They say that too often the CETA employee does nothing but rake leaves or paste cancelled bond coupons in manila folders. The turnover rate, per job, is high. So is bureaucratic interference. Paychecks often are delayed and the worker is made overly aware that he "— got the job through some sort of welfare." Local monitoring of applicants is difficult to maintain: Sometimes 18-year-old daughters of lawyers inadvertantly are given preference over struggling divorced waitresses' sons because they misled local CETA ad-

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ministrators about their parents' income status.

In setting up the part of the program for experienced employees, Congress urged that these new workers get exactly the same privileges and benefits, including retirement deductions, vacation and sick leave and social security, as regularly employed agency employees. Many of these experienced CETA employees have risen to positions of responsibility and power without leaving the CETA payroll. "At this rate, we'll soon have CETA department heads," a San Bernardino County manpower administrator joked. In many counties, the natural progression of employment is to hire at the CETA level and promote onto the regular payroll as vacancies occur.

Keen competition

Unfortunately, competition for such transitioning is keen. Local program administrators spend as much time handling accusations and complaints as they do monitoring their programs. "It's not like having a real job," a CETA deputy sheriff complained. A Damocles' sword hangs over every CETA employee's head. "I've gotten a lay-off notice five times in less than two years," the deputy commented.

Because of their "temporary" status, CETA employees find it extremely difficult to get personal, home or home improvement loans, credit cards and, sometimes, earned promotions. Many of them compete for lower-paying permanent jobs when they are advertised. Others, to prevent losing work time, are transferred from program to program and, in some areas, from agency to agency so many times that they lose all sense of belonging and allow their work to deteriorate.

The Department of Labor as overseer has monitored, but not decreased, the flow of red tape. Instead of providing employment assistance, the Department of Labor has put itself in the role of a suspicious and exacting patriarch determined to protect every penny of tax-raised federal money.

And DOL, in turn, has accused local elected officials of milking CETA for every available dollar to keep from raising property taxes. "For some reason," a DOL regional representative commented, "local governments don't consider CETA money as tax money. The more conservative they are, the more they seem to be willing to throw it away."

What would happen if CETA suddenly were to be withdrawn? Local entities agree that there would be a noticeable increase in crime. Sheriffs' departments, probation departments, city police agencies and counselling services would be gutted. Property tax rates in some municipalities would be raised. Schools would revert to minimum staffing. "Extras" like land fraud investigation and ecological surveillance would be abandoned. The eagerness of elected city and county officials to chase the federal dollar indicates quite clearly how much impact CETA has had.

California *CAPSULES*

Brown sets up unit to overcome criticism of 'business climate' Governor Brown created an Office of Business Development to help new firms relocate here and existing ones expand. Within the Business and Transportation agency, the new unit will have a staff of five and a budget of $120,000 from a federal grant. The agency is supposed to be an "ombudsman for businesses who are having difficulty expanding or getting through red tape," according to Brown. Early in his administration, Brown eliminated funds for the Department of Commerce established under the Reagan Administration to lure new business to the state.

In a surprise move, Assembly Republicans open caucus meetings One of the Legislature's last curtains of secrecy came down when Assembly Republicans opened their caucus meetings to the press. Following similar GOP action in Congress, the Republican Assemblymen voted 16 to 3 to open the meetings in which political strategy is usually planned. Later, the group voted to do away with a long-standing unit rule whereby two-thirds of the Republicans could bind all GOP Assembly members to vote the same way. GOP executive-committee and issues-committee meetings are still closed. Assembly Democrats refused a GOP invitation to follow the Republican example, calling it a ploy for publicity. The Democrats have enough votes in their own caucus to pass any bill.

Emergency restriction on natural-gas use imposed by state PUC In an effort to relieve the critical shortages in other parts of the nation, the Public Utilities Commission placed tough emergency restrictions on the use of natural gas in California and approved the transfer of some of the state's gas supply to other parts of the country. Included in the order were instructions to lower thermostats to 65 degrees during the day and 55 degrees during sleeping hours, and the elimination of luxury gas uses such as heating swimming pools, gas fireplaces and decorative lighting.

FPPC landmark ruling exempts Communist from full disclosure The Fair Political Practices Commission, on a 3 to 2 vote, exempted a Communist candidate for public office from fully disclosing the sources of his campaign contributions. The first exemption to the tough campaign-contribution law was granted to Michael C. Miller, an unsuccessful San Francisco school-board candidate last November. The majority cited the U.S. Supreme Court's *Buckley* v. *Valeo* decision which said the disclosure requirement would be unconstitutional if applied to a minor party with little to no chance to win the election if the party could show its contributors might reasonably fear harassment, threats or reprisals.

State, UFW battle over unemployment, income-tax payments The state Department of Benefit Payments and the United Farm Workers are still fighting over back payments the state says Cesar Chavez' union owes for unemployment compensation insurance and withheld income taxes. The original assessment, which was set at $1 million, was reduced to $101,953 for the disputed four-year period which began in 1971. The assessment stems from a department charge that the UFW did not pay $518,000 in unemployment insurance, $336,000 in income tax withholding and $85,400 in late penalties. Chavez says that the workers covered by the assessment were volunteers and not employees. A hearing will be scheduled before an administrative law judge this month.

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FLEXTIME, A CURE FOR ABSENTEEISM?

Bending working hours to stretch the freeways

By Blair Levin

The diamond lane is dead. But the problems it sought to solve — traffic congestion, energy waste and pollution caused by excessive numbers of cars — still exist. There is an alternative which would ease the traffic flow, lower energy consumption, increase the feasibility of carpools and improve bus service. The alternative is flextime: a system of giving employees some control over their working hours.

The diamond lane and other similar experiments are doomed to failure (whether or not a judge gives the axe), because they don't deal with the real problem of commuting — it's not the way we drive but the way we work. Consider the situation in Los Angeles. We cannot eradicate Los Angeles' dependence on the automobile. What can be affected is rush hour traffic. The traffic problem could be helped greatly if, instead of precise times of starting work, Angelenos could choose their own starting and departure times.

Under flextime, people would schedule their work to suit their individual desires and to avoid traffic. The employee could check in within a prescribed time period, say 6:30 to 10:00 a.m. This is followed by a "core period" in which all employees must be at work. There also would be a flexible time for departing, say anytime between 3:30 and 7:00 p.m. The employee is simply required to work a specified number of hours a day or a week.

German invention

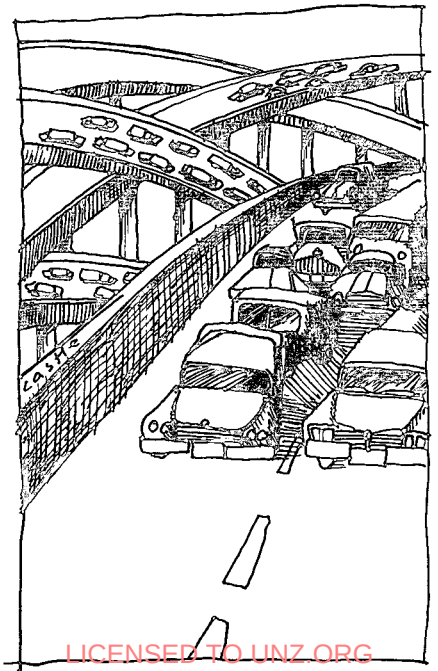
Flextime originated in 1968 at a German aerospace firm. The streets around the company's facilities were inadequate to handle the heavy traffic twice a day, and the community did not want to improve them. The company experimented with flexible working hours. It worked well and was extended to the entire facility. The concept spread quickly throughout Europe, but has just started receiving major attention here in the United States.

While flextime has proven to be a success in all types of work situations, it is particularly applicable to service and clerical jobs, such as those in banks, governments, insurance companies and business offices — exactly the types of organizations which predominate in downtown Los Angeles.

Look at how flextime deals with the problems involved in the diamond lane controversy:

○ Saving Energy: CalTrans claimed the diamond lane decreased the total number of miles traveled by cars and, therefore, saved energy. However, for the cars in the three regular lanes and on the surface streets it took longer to travel those miles, so gas consumption did not decrease. Flextime decreases commuting time considerably and, thus, decreases gasoline consumption.

○ Increased Bus Usage: A major reason more people do not use the bus is that it does not get them to work at the appointed hour. If hours are flexible, employees are not penalized for being late, nor do they waste time if they're early, so they would be more likely to use the bus. Over time, flexible hours even out bus usage. This results in greater energy savings because extra peak-hour buses will not be needed.



○ Increased Car Pooling: People have trouble with car pools for the same reason they have trouble with buses; it's not likely you and your neighbor have to arrive at the same place at the same time. Under a fixed-hour system it makes sense to carpool only with co-workers who, given Los Angeles' housing patterns, may live miles away. Under flextime, one can carpool with both co-workers and neighbors who work relatively close to where you work.

Though data about flextime's effect on communities is limited, the available statistics demonstrate benefits. In Witherthum, Switzerland (a medium-sized industrial city with 60 percent of its workforce on flextime), traffic congestion, air pollution and noise pollution have all decreased since flextime was introduced. Fewer traffice cops are needed. Buses have been used more efficiently.

According to the testimony of the U.S. Civil Service Commission vice-chairman Georgina Sheldon, flextime experiments to date have increased the use of carpools. Employees at a federal government agency experimenting with flextime reported savings of as much as 50 percent in commuting time. The design engineers of Pacific Gas and Electric in San Francisco, also on flextime, report similar reduction of travel time.

Government experiments

Many government entities, such as the cities of Berkeley, Torrance and Inglewood, the counties of San Diego,

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Santa Clara and San Mateo, and the U.S. Social Security Administration, have already experimented with flextime. It is being used successfully by many state departments. Since initial experiments by the State Personnel Board in 1973, flextime in varying degrees has been adopted by at least 15 state departments ranging in size from 50 employees at the state Department of Corporations to 3,200 employees at the Department of Motor Vehicles. First experiments were management inspired, but now unofficial employee groups have started petitioning for flexible hours.

All departments with flextime note that employees universally favor it once it is initiated. The Department of Water Resources indicated that 97 percent of its employees want flextime to continue. Employees benefit by being able to take care of personal needs without risking tardiness or an unexcused absence. They can avoid rush-hour traffic, and commuting time is decreased. According to the Water Resources study, 49 percent of the employees feel they have greater access to public transportation. Bus and car pool ridership at the State Personnel Board increased 21 percent due to flextime.

The departments also benefit. According to the State Personnel Board, absenteeism has been reduced by as much as 50 percent. Sick leave usage at the Department of Motor Vehicles decreased 11 percent. Employee turnover, in many cases, has been reduced by six to 10 percent. Overtime has been reduced. Flextime also frees supervisors from approving excuses and disciplining tardiness.

Some departments have used flextime to increase hours they are open to the public. It hasn't been all roses; there have been some problems. The California Youth Authority found that people didn't like to record their own time. The Department of Motor Vehicles had a problem with lack of coverage impairing public services. The State Compensation Insurance Fund found some cheating, but it has been minimal. Resistance from supervisors was the major problem faced at Water Resources.

Try it, you'll like it

Overall, flextime has been a success in state departments where it's been used. All the departments that tried it have kept it and are pleased with the results. Even those originally opposed have been won over. Beulah Davenport of the Youth Authority reported, "I was originally against it, but it worked out beautifully. I have extended coverage and people are more conscious of their work." Jack Johnston of the Department of Water Resources sums it up another way: "The essence of flextime is not that it's run by a computer in Sacramento, but that it's a system where people get together to solve their problems, keeping in mind the problems of the organization. It's working well. We're enthusiastic about it."

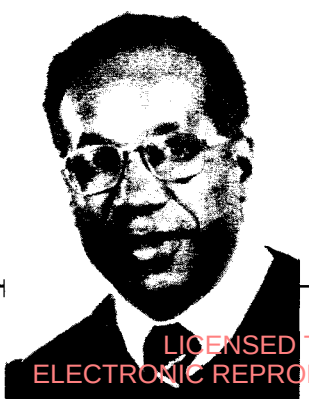
With such success, it is somewhat surprising that flextime has not spread more quickly. Rick Lowrey, a consultant with Varitime Systems Corporation of Marin County, points to two reasons; "People are afraid of change. As the Governor points out, change usually comes through crises. And there is no apparent crisis." Some organizations give up too quickly. For example, the city of Los Angeles ran a flextime experiment in its personnel department in 1971. Because too many employees came in early and left early, the system was discontinued and no further experiments were carried out. The city could have called the employees together to work out the problem the way the Department of Motor Vehicles did.

Flextime provides more than just the solutions to the problems the diamond lanes sought to solve. But CalTrans should take note of how effective flextime has been in easing traffic congestion and increasing bus and car pool usage. If all the money spent on the diamond lanes had been spent on flextime education, the results might have been far more beneficial and permanent.

The changing face of the Supreme Court

On the anniversary of Abraham Lincoln's birth, Governor Brown broke the color and sex barriers on the state Supreme court. He nominated his secretary of Agriculture and Services, Rose Elizabeth Bird, as chief justice, and Alameda County Superior Judge Wiley Manuel, a Black, as an associate justice. If approved by the three-member Commission on Judicial Appointments, they will replace Donald Wright, who retired as chief justice February 1st, and Raymond Sullivan, who retired January 23rd.

The February 12th selection of Bird prompted Republicans to protest that she is not qualified for the job because she does not have any previous judicial experience. According to the *Los Angeles Times*, Brown checked the three members of the appointments commission before making the nomination. Supposedly, acting chief justice Mathew Tobriner was positive, Appellate Justice Parker Wood was negative and Attorney General Evelle J. Younger was non-committal.



That may explain in part the surprise selection of Manuel, named to the superior bench a year ago by Brown. Prior to that time, Manuel was one of Younger's top aides as chief of the civil division of the state Department of Justice. Younger has indicated that he will probably vote for both nominees.

Bird, 40, has been one of the stars of the Brown Administration. She played the pivotal role in the drafting of the 1975 farm-labor law and was known as the toughest administrator in the Brown cabinet. She has never served on the bench, but has extensive experience as an appellate lawyer. A graduate of Boalt Hall at the University of California at Berkeley, she served as clerk to the Nevada Supreme Court, taught law at Stanford and was a trial lawyer with the Santa Clara County public defender's office before joining the Brown Administration. Manuel, 49, is a graduate of Hastings College and spent 23 years in the Department of Justice, the last five as head of the civil division. He is considered a political moderate.

The McComb saga

It also appeared only a matter of time before Brown would be able to replace suspended Justice Marshall McComb, 82, on the bench. McComb's wife, Margaret, 67, went into court to be named her husband's temporary conservator on grounds of senility. She may have the power to submit her husband's resignation from the court, thus ending the removal proceedings against him.

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A WASHINGTON PERSPECTIVE . . .

By Lou Cannon

The State Society and 'Senator Sam'

Senator S. I. Hayakawa, already better known in Washington as "Senator Sam," made a fool of himself February 7th at Bolling Air Force Base across the river from the Capitol. The occasion was the annual kickoff party of the California State Society, an event bringing California exiles together to drink, dance, eat rare roast beef and complain about the Washington weather. It is, of course, a nonpartisan affair, or at least it was until Hayakawa came to town.

At this particular party, Hayakawa was absent early in the evening when all of the new House members from California were introduced. Congressman Clair Burgener of San Diego, the new chairman of the society, asked where Hayakawa was and received a thunderous shout from the back of the room, "He's asleep." Actually, he was speaking to a GOP group in Washington.

Hayakawa showed up about an hour later, as some of the partygoers were leaving, and made a beeline for the microphone on the dance floor. There, for the next 10 or 12 minutes, he proceeded to harangue his startled (and embarrassed) audience on the necessity of building a Republican majority. By the time Hayakawa had finished, Burgener was red-faced and the snickers in the room had turned to open laughter.

Hayakawa said afterward that he had been told by a staff member that he would be speaking to a Republican group. While no one else ever confused the California State Society with a partisan organization, the explanation was truthful and pointed up what many who have been exposed to Hayakawa see as his No. 1 problem in Washington — an inexperienced and inadequate staff. Some senators in his own party discreetly offered to help Hayakawa choose a staff, but the former San Francisco State College president instead opted to make his own longtime assistant, Gene Prat, his administrative assistant. The result has been that Hayakawa, a non-politician completely inexperienced in Washington, has compounded his problems. One well-placed Democrat believes that Hayakawa also suffered in staff selection because he is seen as a one-term senator who will have little impact on events. So far, that impact has been limited to comic relief.

* * *

Republican representatives from California have as much difficulty uniting behind one of their own as do their Democratic counterparts. Democratic disunity was one of the factors costing Phil Burton the House majority leadership when Jim Wright of Texas was elected to the post in January. Though it was less publicized, a conflict among Californians similar to the rivalry between Burton and John McFall of Manteca also cost a Californian leadership of the Republican freshman class.

The rivals were two Southern Californians — Robert Dornan of Los Angeles and Robert Badham of Orange County. Both are dyed-in-the-wool conservatives and both were candidates against moderate Newton Steers of Maryland. Badham was eliminated on the first ballot and he supported Steers, who defeated Dornan by two votes. Ideology aside, the selection was welcomed by some conservatives in Washington because Steers is a former county executive possessing both political experience and a low-key manner. Dornan, a former broadcaster, impresses many of his colleagues as coming on too strongly for a freshman.

* * *

Thomas C. Reed, the omnicompetent nuclear engineer who once was a top political aide to Ronald Reagan and Republican national committeeman from California, is leaving his post as Secretary of the Air Force despite a longtime friendship with the new defense secretary, Harold Brown, whom he knew when both men worked at the UC nuclear facility at Livermore. Reed's concern that the United States must modernize its intercontinental-ballistics-missile program or fall behind the Soviet Union in this potentially decisive program seemingly is unshared by the Carter Administration. Reed will return not to California but to Colorado, where he owns a ski resort and may have an opportunity to do something about his longtime political hankerings. Colorado is now a Democratic state, but Republican gains in the 1976 state legislative races and the unpopularity of Democratic Governor Richard Lamb indicate that it is moving in the other direction.

* * *

Ronald Reagan made the most of a three-day visit to Washington, where he celebrated his 66th birthday at a party given for him by former aide Nancy Reynolds, who now has a top public-information job with Boise Cascade in Washington. Reagan, looking tanned and fit, was in good one-liner form at a party which included a diverse group of politicians, journalists and business executives. "Middle age," quipped Reagan, "is when you're faced with two temptations and choose the one that will get you home by 9:30."

Reagan also demonstrated at an American Conservative Union political conference that he is still the favorite of conservatives, with a wildly cheered but carefully phrased speech advocating that the faithful remain active in the Republican Party. Reagan also used the Washington visit to touch base with GOP congressmen and party leaders and to have lunch with the publisher and editors of the *Washington Post*. He left town with his various audiences convinced that he was running for president again, which Reagan predicted that Gerald Ford also will do.

Some of Reagan's aides have been hinting that Reagan, whose leftover $1 million from the presidential campaign is now financing the "Citizens for the Republic" directed by Lyn Nofziger, also will take an active role in the 1978 GOP gubernatorial primary in California. But Reagan ruled this out, saying he will observe the "11th commandment" of Republican folklore and remain neutral in the primary. Maybe so.

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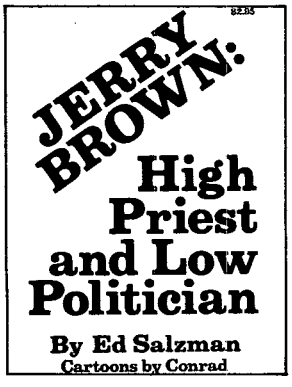
A tantalizing combination . . .

Jerry Brown and the California Sex Code

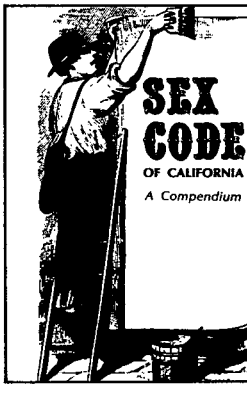
Actually, these two new books have absolutely nothing to do with one another – except that they are both available now from the California Journal.

Jerry Brown: High Priest and Low Politician by Ed Salzman, editor of the California Journal, analyzes the phenomenal political ascent of California's unusual Governor, assesses his performace as chief executive and as a candidate for president, and speculates on where he goes from here.



This Whole Brown Catalog contains cartoons by Paul Conrad of the *Los Angeles Times*, some of Brown's most quotable quotes, his first two state-of-the-state addresses, a sampling of his pithy veto messages and photos of Brown in action. Anyone with an interest in California politics and government will want a copy of this attractive paperbound book. Copies are available by mail for $3.50 each, including sales tax, postage and handling (or for $3.13 at the Journal office).

The **Sex Code of California** provides everything you might want to know about California sex laws — if you're not afraid to look.



This book, prepared by Planned Parenthood Affiliates of California, tells what sex laws have been, where they stand today and where they might be heading. All changes in the law through the 1976 session of the Legislature are covered. Included are chapters on contraception, abortion, venereal disease, incest, prostitution, rape, artificial insemination, seduction, bestiality, child molestation, adultery and obscenity.

This compendium, written in understandable lay language, leaves no aspect of law on human sexual activity uncovered. There is even a statistical section entitled "Facts of life in California." Copies are available by mail for $5.50 each, including sales tax and postage.

Send orders to **Journal books,** *1617 10th St., Sacramento, CA 95814.*

If you give up a little liberty for a little security, you will soon have neither.

— Thomas Jefferson

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